# THE ANDHRA PRADESH PANCHAYAT RAJ ACT, 1994

## ACT No. 13 OF 1994.

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AN ACT TO PROVIDE FOR THE CONSTITUTION OF GRAM PANCHAYATS, MANDAL PARISHADS AND ZILLA PARISHADS AND FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

Be it enacted by the Legislative Assembly of the State of Andhra Pradesh in the Forty-fourth Year of the Republic of India as follows:-

### PART-I - PRELIMINARY

1. (1) This Act may be called the Andhra Pradesh Panchayat Rat Act, 1994. Short title and Commencement.

(2) It extends to the whole of the State of Andhra Pradesh, except.-

(a) the Municipal Corporations governed by any law relating to Municipal Corporations for the time being in force in the State;

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*Received the assent of the Governor on the 30th March, 1994. For Statement of objects and Reasons, Please see Andhra Pradesh Gazette, Part IV-A, Extraordinary, dated the 28th March, 1994 at Page 9.

(b) the Municipalities governed by the law relating to municipalities for the time being in force in the State;

Act 6 of 1965. (c) A Notified Area declared under section 389A of the Andhra Pradesh Municipalities Act, 1965;

Act XLIV of 1956. (d) the mining settlements governed by the Andhra Pradesh (Telangana Area) Mining Settlements Act, 1956; and

Central Act 2 of 1924. (e) the cantonments governed by the Cantonments Act, 1924.

(3) It shall come into force on such date and in such area as the Government may, by notification in the Andhra Pradesh Gazette, appoint and they may appoint different dates for different areas and for different provisions.

Definitions. 2. In this Act, unless the context otherwise requires,-

(1) 'Andhra Area' means the territories of the State of Andhra Pradesh other than the Telangana area;

(2) 'Backward Classes' means any socially and educationally Backward Classes of citizens recognised by the Government for purpose of clause (4) of article 15 of the Constitution of India;

Explanation:- For the removal of doubts it is hereby declared that for the purposes of reservation of seats or offices under this Act to the persons belonging to the Backward Classes.

(1) The population figures of the Backward Classes shall be gathered by such authority and in such manner as may be prescribed.

(2) The backward classes may be classified into four categories on the basis of the extent of their social and educational backwardness in accordance with such rules as may be made in this behalf.

(3) 'building' includes a house, outhouse, shop, stable, latrine, shed (other than a cattle shed in an agricultural land), hut, wall and any other such structure whether of masonry, bricks, wood, mud, metal or other material whatsoever;

(4) 'casual vacancy' means a vacancy occurring otherwise than by efflux of time, and 'casual election' means an election held to fill a casual vacancy;

(5) 'Chairman' means the Chairman of a Zilla Parishad elected under section 181;

(6) 'Chief Executive Officer' means the Chief Executive Officer of the Zilla Parishad appointed under section 186;

(7) 'Collector' means any officer in-charge of a Revenue Division and includes a Deputy Collector a Sub-Collector and an Assistant Collector;

(8) 'Commissioner' means any officer who is authorised by the Government to exercise any of the powers or discharge any of the duties of the Commissioner under this Act;

(9) 'Company' means a Company as defined in the Companies Act, 1956, and includes a foreign company within the meaning of section 591 of that Act; **Central Act 1 of 1956.**

(10) 'District Munsif' means the District Munsif appointed under the Andhra Pradesh Civil Courts Act, 1972; **Act 19 of 1972.**

(11) 'election authority' means such authority not being a member or office bearer of any local authority as may, by notification, be appointed by the State Election Commissioner;

(12) 'executive authority' means,-

(i) in the case of a gram panchayat or a group of gram panchayats having an executive officer, the executive officer and if there is no executive officer in charge, the Sarpanch of the gram panchayat;

(ii) in the case of any other gram panchayat, the Sarpanch thereof;

(13) 'executive officer' means the Executive Officer-Cum-Village Development Officer of a gram panchayat or a group of gram panchayats;

**Central Act 63 of 1948.**

(14) 'Factory' means a factory as defined in the Factories Act, 1948, and includes any premises including the precincts thereof any industrial, manufacturing or trade process is carried on with the aid of steam, water, oil, gas, electrical or any other form of power which is mechanically transmitted and is not generated by human or animal agency;

(15) 'Finance Commission' means the Finance Commission constituted by the Governor under section 235;

(16) 'Government' means the State Government;

(17) 'gram panchayat' means the body constituted for the local administration of a village under this Act;

(18) 'gram sabha' means the gram sabha which comes into existence under section 6;

(19) 'house' means a building or a hut fit for human occupation, whether as a residence or otherwise and includes any shop, factory, workshop or warehouse or any building used for garraging or parking buses or as a bus-stand, cattle shed (other than a cattle shed in an agricultural land, poultry shed or dairy shed);

(20) 'hut' means any building which is constructed principally of wood, mud, leaves, grass, or thatch and includes any temporary structure of whatever size or any small building of whatever material made, which the gram panchayat may declare to be a hut for the purposes of this Act;

(21) 'latrine' includes privy, water-closet and urinal;

(22) 'Mandal' means such area in a district as may be declared by the Government by notification to be a Mandal under section 3 of the Andhra Pradesh District (Formation) Act, 1974; **Act 7 of 1974**

"(23) 'Mandal Parishad' means, a Mandal Parishad constituted or reconstituted under section 148;

(24) 'Mandal Parishad Development Officer means, the Officer appointed by that designation under section 168,".

(25) 'notification' means a notification published in the Andhra Pradesh Gazette and the word 'notified' shall be construed accordingly;

(26) 'nuisance' includes any act, omission, place or thing which causes or is likely to cause injury, danger, annoyance or offence to the sense of sight, smell or hearing or disturbance to rest or

sleep of which is or may be dangerous to life, or injurious to health or property;

(27) 'ordinary vacancy' means a vacancy occurring by efflux of time and 'ordinary election' means an election held to fill an ordinary vacancy;

(28) 'owner' includes,-

(a) the person for the time being receiving or entitled to receive whether on his own account or as agent, trustee, guardian, manager or receiver for another person or for any religious or charitable purpose, the rent or profits of the property in connection with which the word is used; and

(b) the person for the time being in charge of the animal or vehicle in connection with which the word is used;

(29) 'population' or 'population at the last census' means the population as ascertained at the last preceding census of which the relevant figures have been published;

(30) 'prescribed' means prescribed by the Government by rules made under this Act;

(31) 'president' means the President of a Mandal Parishad elected under section 153;

(32) 'private road' means any street, road, square, court, alley, passage or riding-path which is not a 'public road', but does not include a pathway made by the owner of premises on his own land to secure access to, or the convenient use of such premises;

(33) 'public road' means any street, road, square, court, alley, passage or

riding-path, over which the public have a right of way whether a thoroughfare or not, and includes,-

(a) the roadway over any public bridge or cause way;

(b) the footway attached to any such road, public bridge or cause-way; and

(c) the drains attached to any such road, public bridge or cause-way, and the land, whether covered or not by any pavement, verandah or other structure, which lies on either side of the roadway upto the boundaries of the adjacent property, whether that property is private property or property belonging to Government;

(34) 'qualifying date' in relation to the preparation or revision of every electoral roll under this Act means the first day of January or the first day of July of the year in which it is so prepared or revised, whichever is nearest to the date of such preparation or revision;

(35) 'registered voter' in the "Mandal Parishad" or 'registered voter in the District' means a person whose name appears in the electoral roll prepared and published under section 11 for any Gram Panchayat or Gram Panchayats comprised in the Mandal or as the case may be, in the District;

(36) 'residence', 'reside' - A person is deemed to have his 'residence' or to 'reside' in any house if he sometimes uses any portion thereof as a sleeping apartment, and a person is not deemed to cease to reside in any such house merely because he is absent from it or has elsewhere anoother dwelling in which he resides, if he

is at liberty to return to such house at any time and has not abandoned his intention of returning;

(37) "Sarpanch" means the Sarpanch of a gram Panchayat elected under section 14;

(38) 'Scheduled Castes' and 'Scheduled Tribes' shall have the meaning respectively assigned to them in clause (24) and clause (25) of article 366 of the Constitution of India;

(39) 'State Election Commission' means the State Election Commission constituted under section 200;

(40) 'State Election Commissioner' means a State Election Commissioner appointed by the Governor under sub-section (2) of section 200;

Central Act, 37 of 1956.

(41) 'Telangana area' means the territories specified in sub-section (1) of section 3 of the States Reorganisation Act, 1956;

(42) 'village' means any local area which is declared to be a village under this Act;

(43) 'water-course' includes, any river, stream or channel, whether natural or artificial;

(44) 'year' means the financial year;

(45) 'Zilla Parishad' means a Zilla Parishad constituted under section 177.

# PART - II - GRAM PANCHAYAT

## CHAPTER I

## CONSTITUTION, ADMINISTRATION AND CONTROL OF GRAM PANCHAYATS

3. (1) The Commissioner may, by notification and in accordance with the rules made by the Government in this behalf, declare any revenue village or hamlet thereof or any part of a mandal to be a village for the purpose of this Act and specify the name of the village. **Declaration of a village for the purposes of this Act.**

**Explanation:-** For the purposes of this sub-section the expressesions 'mandal' and 'revenue village' shall mean respectively any local area which is recognised as a mandal or village in the revenue accounts of Government after excluding therefrom the area, if any, included in -

(a) a municipal corporation governed by the relevant law relating to Municipal Corporations for the time being in force in the State;

(b) a municipality governed by the law relating to Municipalities for the time being in force in the State;

(c) a mining settlement governed by the Andhra Pradesh (Telangana Area) Mining Settlements Act, 1956; **Act XLIV of 1956.**

(d) a cantonment governed by the Cantonments Act, 1924. **Central Act, 2 of 1924.**

(2) The Commissioner may, by notification and in accordance with such rules as may be prescribed in this behalf-

(a) form a new village by separation of local area from any village or by uniting

two or more villages or parts of villages or by uniting any local area to a part of any village;

(b) increase the local area of any village;

(c) diminish the local area of any village;

(d) alter the boundaries of any village;

(e) alter the name of any village;

(f) cancel a notification issued under sub-section (1).

(3) The Commissioner may pass such orders as he may deem fit,-

(a) as to the disposal of the property vested in a gram panchayat which has ceased to exist, and the discharge of its liabilities; and

(b) as to the disposal of any part of the property vested in a gram panchayat which has ceased to exercise jurisdiction over any local area, and the discharge of the liabilities of the gram panchayat relating to such property or arising from such local area.

An order made under this sub-section may contain such supplemental, incidental and consequential provisions as the Commissioner may deem necessary, and in particular may direct -

(i) that any tax, fee or other sum due to the gram panchayat or where a gram panchayat has ceased to exercise jurisdiction over any local area, such tax, fee, or other sum due to the gram panchayat as

relates to that area, shall be payable to such authorities as may be specified in the order; and

(ii) that appeals, petitions, or other applications with reference to any such tax, fee or sum which are pending on the date on which the gram panchayat ceased to exist or, as the case may be, on the date on which the gram panchayat ceased to exercise jurisdiction over the local area, shall be disposed of by such authorities as may be specified in the order.

**Constitution of gram panchayats for villages and their incorporation.**

4. (1) A gram panchayat shall be deemed to have been constituted for a village on the date of publication of the notification under section 3 in respect of that village and the Special Officer appointed under sub-section (1) of section 143 shall make arrangements for the election of the members and of the Sarpanch of the gram panchayat as provided in that section.

(2) Subject to the provisions of this Act, the administration of the village shall vest in the gram-panchayat, but the gram panchayat shall not be entitled to exercise functions expressly assigned by or under this Act or any other law to its Sarpanch or executive authority, or to any other local authority or other authority.

(3) Every gram panchayat shall be a body corporate by the name of the village specified in the notification issued under section 3, shall have perpetual succession and a common seal, and subject to any restriction or qualification imposed by or under this Act or any other law, shall be vested with the capacity of suing or being sued in its corporate name, of acquiring, holding and transferring property, of entering into contracts, and of doing all things necessary, proper or expedient for the purposes for which it is constituted.

**Township.** 5. (1) The Government may declare, by a notification in the Andhra Pradesh Gazette a village or any other area to be a township if it is an industrial or institutional colony, a labour colony, a project area, a health resort or a place of religious importance.

(2) If the area declared as township under sub-section (1) comprises a village or forms part of a village, the Commissioner shall, under sub-section (2) of section 3, cancel the notification issued under sub-section (1) of that section in respect of such village, or as the case may be, exclude such part from the village.

(3) In regard to any area other than a place of religious importance declared to be a township, the Government shall, by notification in the Andhra Pradesh Gazette constitute a township Committee, which shall consist of a Chairman to be nominated by the Government and the following official and non-official members, namely:-

A. OFFICIAL MEMBERS

(i) in regard to a township constituted for an industrial or institutional colony, labour colony, project area or health resort, the highest official representing the industry, institution, project or health resort concerned;

(ii) the Chief Executive Officer of the Zilla Parishad concerned;

(iii) the Divisional Engineer, Electricity Board, in whose jurisdiction the township is located;

(iv) the Executive Engineer, Panchayat-Raj of the Division in which the township is located; and

(v) an officer of the Tourism Department wherever necessary and in other cases an official representing the management of the industry, institution, project or health resort concerned as may be nominated by the Government; and

B. NON-OFFICIAL MEMBERS:

(i) the Member of the Lok Sobha in whose constituency the township is located;

(ii) the Member or Members of the Legislative Assembly in whose constituency the township is located;

(iii) one woman member, who is a registered voter in the township to be nominated by the Government; and

(iv) two persons who are registered voters in the township, other than those persons specified in item (i) to (iii) and who are specially qualified to assist and advise the Township Committee on its various activities to be nominated by the Government:

Provided that one of the Members to be nominated under this clause shall be a member belonging to the Scheduled Castes or Scheduled Tribes.

(4) The Chariman and the non-official members of the Committee under items (iii) and (iv) of sub-section (3) shall hold office during the pleasure of the Government and the official members and non-official members under items (i) and (ii) of sub-section (3) shall hold office so long as they hold their respective offices.

(5) A notification issued by the Government under sub-Secion (3) may direct that any functions vested in a gram panchayat by or under this Act shall be transferred to and performed by the township committee and shall provide for-

(i) the restrictions and conditions subject to which the township committee may perform its functions; and

(ii) any other matter incidental to, or connected with, the transfer of the functions of a gram panchayat to the township committee including the apportionment of the revenues between the township committee and the gram panchayat concerned or any contributions or compensation that shall be paid by the township committee to the gram panchayat concerned.

(6) Every township committee shall, in regard to the conduct of its business, follow such procedure as may be prescribed.

(7) The Government may, by notification in the Andhra Pradesh Gazettee direct that any of the provisions of this Act or of the law relating to municipalities for the time being in force, or of any rules made thereunder or of any other enactment for the time being in force elsewhere in the State but not in the village or local area of specified part thereof referred to in sub-section (1) shall apply to that village, local. area or part to such extent and subject to such modifications, additions and restrictions as may be specified in the notification.

**Gram Sabha.** 6.(1) There shall come into existence a gram sabha for every village on the date of publication of notification under section 3.

(2) A gram sabha shall consist of all persons whose names are included in the electoral roll for the gram panchayat referred to in section 4 and such persons shall be deemed to be the members of the gram sabha.

(3) The gram sabha shall meet atleast twice in every year on such date and at such place and time as may be prescribed to consider the following matters which shall be placed before it by the gram panchayat, namely:-

(i) annual statement of accounts and audit report;

(ii) report on the administration of the preceding year;

(iii) programme of works for the year or any new programme not covered by the budget or the annual programme;

(iv) proposals for fresh taxation or for enhancement of existing taxes;

(v) selection of schemes, beneficiaries and locations; and

(vi) such other matter as may be prescribed.

The gram panchayat shall give due consideration to the suggestions, if any, of the gram sabha.

(4) The gram sabha shall observe such rules of procedure at its meetings as may be prescribed.

(5) Every meeting of the gram sabha shall be convened by the Executive Officer and shall be presided over by the Sarpanch or in his absence by the Upa-Sarpanch of the gram panchayat.

**Total strength of a gram panchayat.**

7. A gram panchayat shall consist of such number of elected members inclusive of its Sarpanch as may be notified from time to time, by the Commissioner in accordance with the following Table:-

TABLE

| Gram Pranchayat with a population at the last census. | Number of members. |
|---|---|
| (1) | (2) |
| Upto 300 | 5 |
| Exceeding 300 but not exceeding 500 | 7 |

| (1) | (2) |
|---|---|
| Exceeding 500 but not exceeding 1,500 | 9 |
| Exceeding 1,500 but not exceeding 3,000 | 11 |
| Exceeding 3,000 but not exceeding 5,000. | 13 |
| Exceeding 5,000 but not exceeding 10,000. | 15 |
| Exceeding 10,000 but not exceeding 15,000. | 17. |
| Exceeding 15,000. | between 19 and 21. |

**Election of Members.**

8. All members of the gram panchayat shall be elected by the registered voters in the ward by the method of secret ballot and in accordance with such rules as may be made in this behalf.

**Reservation of seats of members of gram panchayat.**

9.(1) In every Gram Panchayat, out of the total strength of elected members determined under section 7, the Commissioner shall, subject to such rules as may be prescribed, by notification, reserve-

(a) such number of seats to the Scheduled Castes and Scheduled Tribes as may be determined by him, subject to the condition that the number of seats so reserved shall bear, as nearly as may be, the same proportion to the total number of seats to be filled by direct election to the gram panchayat, as the population of the Scheduled Castes, or as the case may be, Scheduled Tribes in that village bears to the total population of that village, and such seats may be alloted by rotation to different wards in a gram panchayat;

(b) one-third of the total number of seats for the back ward classes; and such seats may be allotted by rotation to different wards in the gram panchayat;

(c) not less than one third of the total number of seats reserved under clauses (a) and (b) for women belonging to the Scheduled Castes, Scheduled Tribes or as the case may be, the backward classes;

(d) not less than one third (including the number of seats reserved for women belonging to the Scheduled Castes, Scheduled Tribes and backwad calsses) of the total number of seats to be filled by direct election to every gram panchayat shall be reserved for women and such seats may be allotted by rotation to different wards in a gram panchayat.

(2) Nothing in sub-section (1) shall be deemed to prevent women and Members of the Scheduled Castes, Scheduled Tribes or backward classes from standing for election to the non-reserved seats in the gram panchayat.

**Division of wards**

10. For the purpose of electing members to a gram panchayat, the Commissioner shall, subject to such rules as may be prescribed divide the village into as many wards as there are seats, determined under section 7, on a territorial basis in such a manner that all wards shall have, as far as practicable, equal number of voters and allot not more than one seat for each ward.

**Preparation and publication of electoral roll for a gram panchayat.**

11. (1) The draft of the electoral roll for gram panchayat shall be prepared by the person authorised by the State Election Commissioner in such manner by reference to such qualifying date as may be prescribed and the electoral roll for the gram panchayat shall come into force immediately upon its final publication in accordance with the rules made by the Government

in this behalf. The draft of the electoral roll for the gram panchayat shall consist of such part of the electoral roll for the Assembly Constituency published under the Representation of the People Act, 1950 as revised or amended under the said Act, upto the qualifying date, as relates to the village or any portion thereof.

Central Act 43 of 1950.

**Explanation:** Where in the case of any Assembly Constituency there is no distinct part of the electoral roll relating to the village, all persons whose names are entered in such roll under the registration area comprising the village and whose addresses as entered are situated in the village shall be entitled to be included in the electroal roll for the gram panchayat prepared for the purposes of this Act.

(2) The said electoral roll for a gram panchayat-

(a) shall, unless otherwise directed by the Government for resons to be recorded in writing, be revised in the prescribed manner by reference to the qualifying date-

(i) before each ordinary election; and

(ii) before each casual election to fill a casual vacancy in the office of the Sarpanch and members of a gram panchayat; and

(b) shall be revised in any year in the prescribed manner by reference to the qualifying date if such revision has been directed by the Government:

Provided that if the electoral roll is not revised as aforesaid, the validity, or continued operation of the said electoral roll shall not thereby be affected.

(3) The final electoral roll published under sub-section (1) shall be the electoral roll for the gram panchayat and it shall remain in force till a fresh electoral roll for the gram panchayat is published under this section.

(4) The electoral roll for the gram panchayat shall be divided into as many parts as there are wards so that each part consists of the voters residing in the concerned ward and for this purpose the electoral roll may be rearranged if such rearrangement is found necessary.

(5) Every person whose name appears in the part of the electoral roll relating to a ward shall subject to the other provisions of this Act, be entitled to vote at any election which takes place in that ward while the electoral roll remains in force and no person whose name does not appear in such part of the electoral roll shall vote at any such election.

(6) No person shall vote at an election under this Act in more than one ward or more than once in the same ward and if he does so, all his votes shall be invalid.

**Explanation:** In this section, the expression 'Assembly Constituency' shall mean a constituency provided by law for the purpose of elections to the Andhra Pradesh Legislative Assembly.

**Rearrangement and republication of electoral rolls.**

12. Where, after the electoral roll for the gram panchayat has been published under sub-section (1) of section 11, the village is divided into wards for the first time or the division of the village into wards is altered or the limits of the village are varied, the person authorised by the State Election Commissioner in this behalf shall in order to give effect to the division of the village into wards or to the alteration of the wards, or to the

variation of the limits, as the case may be, authorise a re-arrangement and re-publication of the electoral roll for the gram panchayat or any part of such roll in such manner, as the State Election Commissioner may direct.

Term of office of members.

13. (1) Save as otherwise provided in this Act the term of office of members elected at ordinary elections shall be five years from the date appointed by the Commissioner for the first meeting of the gram panchayat after the ordinary elections.

(2) Ordinary vacancies in the office of elected members shall be filled at ordinary elections which shall be fixed by the election authority to take place on such day or days within three months before the occurrence of the vacancies, as he thinks fit:

Provided that the State Election Commissioner may, for sufficient reasons to be recorded in writing, direct from time to time, the postponement or alteration of the date of an ordinary election or any stage thereof within the period of three months aforesaid and the election authority shall give effect to such direction.

(3) (a) Every casual vacancy in the office of an elected member of a gram panchayat shall be reported by the executive authority to the election authority within fifteen days from the date of occurrence of such vacancy and shall be filled within four months from that date.

(b) A member elected in a casual vacancy shall enter upon office forthwith but shall hold office only so long as the member in whose place he is elected would have been entitled to hold office if the vacancy had not occurred.

(c) No casual election shall be held t. a gram panchayat within six months before the date on which the term of office of its members expires by efflux of time.

14. (1) There shall be a Sarpanch for every gram panchayat, who shall be elected in the prescribed manner by the persons whose names appear in the electoral roll for the gram panchayat, from among themselves. A person shall not be qualified to stand for election as Sarpanch, unless he is not less than twenty-one years of age: **Election and term of offi of Sarpanch.**

Provided that a Member of the Legislative Assembly of the State or of either House of Parliamemt who is elected to the office of Sarpanch or Upa-Sarpanch shall cease to hold such office unless within one month from the date of election to such office he ceases to be a Member of the Legislative Assembly of the State or of either House of Parliament by resignation or otherwise.

(2) The election of the Sarpanch may be held at the same time and in the same place as the ordinary elections of the members of the gram panchayat.

(3) Save as otherwise expressly provided in, or prescribed under this Act, the term of office of the Sarpanch who is elected at an ordinary election shall be five years from the date appointed by the election authority for the first meeting of the gram panchayat after the ordinary election.

(4) Subject to the provisions of subsection (5), any casual vacancy in the office of the Sarpanch shall be filled within one hundred and twenty days from the date of occurrence of such vacancy, by

a fresh election under sub-section (1); and a person elected as Sarpanch in any such vancncy shall hold office only so long as the person in whose place he is elected would have been entitled to hold office if the vancy had not occurred.

(5) Unless the Commissioner otherwise directs, no casual vacancy in the office of the Sarpanch shall be filled within six months before the date on which the ordinary election of the Sarpanch under sub-section (1) is due.

(6) The provisions of sections 18 to 22 shall apply in relation to the office of the Sarpanch as they apply in relation to the office of an elected member of the gram panchayat.

(7) The Sarpanch shall be an ex-officio member of the gram panchayat and shall be entitled to vote at meetings of the gram panchayat.

(8) A person shall be disqualified for election as Sarpanch if he is in arrears of any dues, other-wise than in a fiduciary capacity to a Mandal Parishad, or if he is interested in a subsisting contract made with or any work being done for, the Mandal Parishad within whose jurisdiction the gram panchayat is situated or any other gram panchayat within the jurisdiction of that Mandal Parishad:

Provided that a person shall not be deemed to have any interest in such contract or work by reason only of his having a share or interest in,-

(i) a company as a mere shareholder but not as a director; or

(ii) any lease, sale or purchase of immovable property or any agreement for the same; or

(iii) any agreement for the loan of money or any security for the payment of money only; or

(iv) any newspaper in which any advertisment relating to the affairs of any of the aforesaid gram panchayat is inserted.

Explanation:- For the removal of doubts it is hereby declared that where a contract is fully performed it shall not be deemed to be subsisting merely on the ground that the Mandal Parishad has not performed its part of the contractual obligation.

(9) For every gram panchayat, one of the members shall be elected to be Upa-Sarpanch by the gram panchayat, in the prescribed manner. If at an election held for the purpose, no Upa-Sarpanch is elected fresh election shall be held:

Provided that before an election of Upa-Sarpanch is held, every casual vacancy in the office of an elected member of a gram panchayat shall be filled.

(10) A special meeting for the election of the Upa-sarpanch shall be called on the same date on which the results of the ordinary elections to the gram panchayat have been published. The notice of the meeting for election of Upa-Sarpanch shall be given to the members so elected by affixture of the same on the notice board at the office of the gram panchayat, immediately after such publication:

Provided that if, for any reason, the election of the Upa-Sarpanch is not held on the date aforesaid the special meeting for the election of the Upa-Sarpanch shall be held on the next day, whether or not it is a holiday observed by the gram panchayat:

Provided further that the Government may, from time to time, for reasons to be recored in writing direct or permit the holding of the election of the Upa-Sarpanch on any other day.'

**Reservation of office of Sarpanch.** 15. Out of total number of offices of Sarpanch in the State, the Commissioner shall, subjcet to such rules as may be perscribed, by notification reserve,-

(a) such number of offices to the Scheduled Castes and Scheduled Tribes as may be determined by him, subject to the condition that the number of offices so reserved shall bear, as nearly as may be, the same proportion to the total number of offices to be filled in the State as the population of the Scheduled Castes or as the case may be Scheduled Tribes in the State bears to the total population of the State; and such seats may be allotted by rotation to different gram panchayats in the State;

(b) one-third of the total number of offices of Sarpanch in the State to the Backward Classes; and such offices may be allotted by rotation to different gram panchayats in the State;

(c) not less than one-third of the total number of offices reserved under clauses (a) and (b) for women belonging to the Scheduled Castes, Scheduled Tribes, or as the case may be, backward classes; and

(d) not less than one-third (including the number of offices reserved for women belonging to the Scheduled Castes, Scheduled Tribes and the backward classes) of the total number of offices to be filled in the State; for women; and such offices may be allotted by rotation to different gram panchayats in the State.

**Fresh elections in certain cases.** 16. (1) If at an ordinary or casual election, no person is elected to fill a vacancy, a fresh election shall be held on

such day as the officer or authority authorised by the State Election Commissioner in this behalf, may fix.

(2) The term of office of a member of a gram panchayat elected under this section shall expire at the time at which it would have expired if he had been elected at the ordinary or casual election, as the case may be.

**Qualification of candidates.**

17. No person shall be qualified for election as a member of a gram panchayat unless his name appears on its electoral roll and he is not less than twenty-one years of age.

**Disqualification of certain office holders etc.**

18. (1) No village servant and no officer or servant of the Government of India or any State Government or of a local authority or an employee of any institution receiving aid from the funds of the Government and no office bearer of any body constituted under a law made by the Legislature of the State or of Parliament shall be qualified for being chosen as or for being a member of a gram panchayat.

**Explanation:-** For the purpose of this section the expression "village servant" means in relation to,-

(i) the Andhra Area, any person who holds any of the village offices of nearaganti, neeradi, vetti, kawalkar toti, talayar, tandalagar, sathsindhi or any such village office by whatever designation it may be locally known;

(ii) the Telangana Area, any person who holds any of the village offices of neeradi, kawalkar, sathsindhi or any such village office by whatever designation it may be locally known.

(2) A person who having held an office under the Government of India or

under the Government of any State or under any local authority has been dismissed for corruption or for disloyality to the State or to the local authority shall be disqualified for a period of five years from the date of such dismissal.

(3) For the purposes of sub-section (2), a certificate issued by the State Election Commissioner to the effect that a person having held office under the Government of India or under the Government of State or under any local authority has or has not been dismissed for corruption or for disloyalty to the State or to the local authority shall be conclusive proof of that fact;

Provided that no certificate to the effect that a person has been dismissed for corruption or for disloyality to the State or to the local authority shall be issued unless an opportunity of being heard has been given to the said person.

Central Act, 45 of 1860.

(4) Every Person convicted of an offence punishable under Chapter IX-A of the Indian Penal Code, or under any law or rule relating to the infringement of the secrecy of an election, shall be disqualified from voting or from being elected in any election to which this Act applies or from holding the office of member of a gram panchayat for a period of five years from the date of his conviction or for such shorter period as the court, may by order, determine.

(5) Apart from the disqualifications specified in sub-sections (1), (2) and (4) of this section and sections 19 and 20, a person shall be disqualified for being chosen as, and for being, a member of a gram panchayat if he is otherwise disqualified by or under any law for the time being in force for the purposes of elections to the Legislature of the State;

Provided that no person shall be disqualified on the ground that he is less than twenty-five years of age, if he has attained the age of twenty-one years:

Provided further that where a person is convicted for an offence specified under sub-secion (1) or sub-section (2) of section 8 of the Representaion of People Act, 1951, or under section 19 of this Act, while he is a member or office bearer of a gram panchayat, Mandal Parishad or Zilla Parishad, the disqualification arising out of such conviction shall not take effect until the expiry of the time for filing an appeal against such conviction and where an appeal is filed until the disposal of the appeal; Central Act, 43 of 1951.

Provided also that a person convicted for an offence under sub-section (1) of section 8 of the Representaion of People Act, 1951 shall be disqualified for being chosen as or for continuing as a member of a gram panchayat, Mandal Parishad or a Zilla Parishad for a period of six years from the date of conviction and a person convicted under sub-secion (2) thereof shall be disqualified for a period of six years from the date of conviction and for a further period of five years from the date of release. Central Act, 43 of 1951.

19. (1) A person who has been convicted by a Criminal Court,- Disqualification of Candidates.

(a) for an offence under the Protection of Civil Rights Act, 1955; or Central Act 22 of 1955.

(b) for an offence involving moral deliquency; shall be disqualified for election as a Member for a period of five years from the date of conviction or where he is sentenced to imprisonment while undergoing sentence and after a period of five years from the date of expiration thereof.

(2) A person shall be disqualified for being chosen as a member if on the date fixed for scrutiny of nominations for election, or on the date of nomination under sub-section (2) of section 16 he is-

(a) of unsound mind and stands so declared by a competent court;

(b) a deaf-mute or suffering from leprosy;

(c) an applicant to be adjudicated an insolvent or an undischarged insolvent;

(d) interested in a subsisting contract made with, or any work being done for, the gram panchayat, Mandal Parishad, Zilla Parishad or any State or Central Government:

Provided that a person shall not be deemed to have any interest in such contract or work by reason only of his having a share or interest in.

(i) a company as a mere shareholder but not as a director;

(ii) any lease, sale or purchase of immovable property or any agreement for the same; or

(iii) any agreement for the loan of money or any security for the payment of money only; or

(iv) any newspaper in which any advertisement relating to the affairs of the gram panchayat is inserted;

Explanation:- For the removal of doubts it is hereby declared that where a contract is fully performed it shall not be deemed to be subsisting merely on the ground that the gram panchayat, Mandal Parishad, Zilla Parishad, the State or Central Government has not performed its part of the contractual obligations;

(e) employed as paid legal practitioner on behalf of the gram panchayat or as legal practitioner against the gram panchayat;

(f) employed as a managing agent, manager or secretary of any Company or Corporation (other than a co-operative society) in which not less than twenty-five per cent of the paid up share capital is held by the State Government;

(g) an honorary Magistrate under the Code of Criminal Procedure, 1973 with jurisdiction over any part of the village; Central Act 2 of 1974.

(h) already a member of the gram panchayat whose term of office will not expire before his fresh election can take effect or has already been elected as a member of the gram panchayat whose term of office as not yet commenced;

(i) in arrears of any dues including the sums surcharged otherwise than in a fiduciary capacity, to the gram panchayat upto and inclusive of the previous year, in respect of which a bill or notice has been duly served upon him and the time, if any, specified therein for payment has expired:

Provided that where any person has paid such dues into the Government treasury or into a bank approved by the Government to the credit of the gram panchayat fund and obtained a challan or receipt therefor in token of such payment, he shall not be disqualified to become a member of the gram panchayat on and from the date of such payment.

(3). A person having more than two children shall be disqualified for election or for continuing as member:

Provided that the birth within one year from the date of commencement of the Andhra Pradesh Panchayat Raj Act, 1994 hereinafter in this clause referred to as the date of such commencement, of an additional child shall not be taken into consideration for the purposes of this clause:

Provided further that a person having more than two children (excluding the child if any born within one year from the date of such commencement) shall not be disqualified under this clause for so long as the number of children he had on the date of such commencement does not increase:

Provided also that the Government may direct that the disqualification in this section shall not apply in respect of a person for reasons to be recorded in writing.

20. Subject to the provisions of section 22, a member shall cease to hold office as such if he- Disqualification of members.

(a) is or becomes subject to any of the disqualifications specified in section 19;

(b) absents himself from the meetings of the gram panchayat for a period of ninety days, reckoned from the date of the commencement of his term of office, or of the last meeting which he attended, or of his restoration to office as member under sub-section (1) of sectionin 21, as the case may be, or if within the said period, less than three ordinary meetings have been held, absents himself from three consecutive ordinary meetings held after the said date:

Provided that in the case of a woman member, a period of not more than four months at a time shall be excluded in reckoning the period of absence aforesaid, if for reasons of physical disability due to advanced stage of pregnancy and delivery, such member absents herself from meetings after giving a written intimation to the executive authority of the date from which she would be absent:

Provided further that no meeting from which a member absented himself shall be counted against him under this clause if-

(i) due notice of that meeting was not given to him in the prescribed manner; or

(ii) the meeting was held on a requisition of members.

Explanation: For the purpose of this clause,

(i) "ordinary meeting" shall mean a meeting held after giving a notice of atleast three days before the day of the meeting;

(ii) where a meeting other than an ordinary meeting intervenes between one ordinary meeting and another ordinary meeting, those two ordinary meetings shall be regarded as being consecutive to each other.

**Restoration of members to office.**

21. (1) Where a person ceased to be a member under section 18 or clause (a) of section 20 read with section 19, he shall be restored to office for such portion of the period for which he was elected as may remain unexpired at the date of such restoration, if and when the conviction or the sentence is annulled on appeal or revision or the disqualification caused by the sentence is removed by an order of the Government; and any person elected to fill the vacancy in the interim shall, on such restoration, vacate office.

(2) Where a person incurs the disqualification specified under clause (b)of section 20, the executive authority shall forthwith send a report in that regard to the District Panchayat Officer concerned, who shall, on satisfying himself after due verification, that the person has ex-facie ceased to be a member, intimate that fact by registered post to the member concerned and report the same to the gram panchayat forthwith. If such member applies for restoration of his membership to the gram panchayat within thirty days of the receipt by him of such intimation, he shall be deemed to have been restored to his membership and the executive authority shall report the fact of such restoration to the gram panchayat at its next meeting:

Provided that a member who is so restored to his membership again incurs the disqualification under the said clause (b), the gram panchayat may, on his application for restoration filed within a period of thirty days of the receipt by him of the intimation from the District Panchayat Officer regarding the disqualification restore him to his membership.

Authority to decide questions of dis-qualifications of members.

22. (1) Where an allegation is made that any person who is elected as a member of a gram panchayat is not qualified or has become disqualified under section 17, section 18, section 19 or sectioin 20 by any voter or authority to the executive authority in writing and the executive authority has given intimation of such allegation to the member through the District Panchayat officer and such member disputes the correctness of the allegation so made, or where any member himself entertains any doubt whether or not he has become disqualified under any of those sections, such member or any other member may, and the executive authority, at the direction of the gram panchayat or the Commissioner shall, within a period of two months from the date on which such intimation is given or doubt is entertained, as the case may be, apply to the District Munsif having jurisdiction over the area in which the office of the gram panchayat is situated for decision.

(2) Pending such decision, the member shall be entitled to act as if he is qualified or were not disqualified.

(3) Where a person ceases to be the Sarpanch or Upa-Sarpanch of a gram panchayat as a consequence of his ceasing to be a member of the gram panchayat under clause (b) of section 20 and is restored later to his membership of the gram panchayat under sub-section (2) of section 21,

he shall, with effect from the date of such restoration, be deemed to have been restored also to the office of Sarpanch or Upa-Sarpanch, as the case may be.

Resignation of members, Upa Sarpanch, Sarpanch.

23. (1) The Sarpanch, Upa-Sarpanch or any member may resign his office in the manner prescribed.

(2) (a) Notwithstanding that the resignation of a person from the office of Sarpanch has taken effect under sub-section (1), the Commissioner may by notification record a finding, with reasons therefor, that such person is guilty of wilful omission or refusal to carry out, or disobedience of, the provisions of the Act or any rules, bye-laws, regulations or lawful orders made thereunder or abuse of the powers vested in him, while he held the office of Sarpanch:

Provided that the Commissioner shall, before issuing such notification give the person concerned an opportunity for explanation:

Provided futher that no action under this clause shall be taken after the expiration of one year from the date on which the resignation has taken effect.

(b) A person aggrieved by the notification issued under clause (a) may, within thirty days from the date of publication of such notification prefer an appeal to the Government and the Government shall in case the appeal is allowed, cancel such notification.

(c) A person in respect of whom a notification was issued under clause (a) shall, unless the notification is cancelled under clause (b), be ineligible for election as Sarpanch for a period of three years from the date of publication of such notification.

24. The Upa-Sarpanch shall cease to hold the office as such on the expiry of his term of office as a member of the gram panchayat or on his otherwise ceasing to be such member.

**Cessation of Upa Sarpanch.**

25. Save as otherwise provided by or under this Act, the Sarpanch shall-

**Powers and functions of the Sarpanch**

(a) make arrangements for the elections of the Upa-Sarpanch within one month from the date of occurrence of the Vacancy;

(b) have full access to the records of the gram panchayat;

(c) exercise administrative control over the executive officer, if there is one, for the purpose of implementation of the resolutions of the gram panchayat or any committee thereof;

(d) exercise all the powers and perform all the functions specifically conferred or imposed on the Sarpanch by this Act or the rules made thereunder;

(e) have power to require any Village Development Officer of any village within the jurisdiction of the gram panchayat to furnish any information on any matter falling within such categories as may be prescribed in respect of such village or any person or property therein, required for the purpose of this Act;

(f) intimate to the District Panchayat Officer, every case where any member has incurred any disqualification under sections 16 to 20; and

(g) act only within the terms of sanction given in any resolution of the gram panchayat.

Devolution and delegation of Sarpanch's powers and functions and filling up of vacancies in the office of Sarpanch.

26. (1) When the office of Sarpanch is vacant, the Upa-Sarpanch shall exercise the powers and perform the functions of the Sarpanch untill a new Sarpanch is declared elected and assumes office.

(2) If the Sarpanch has been continuously absent from jurisdiction for more than fifteen days or is restrained by an order of a Court from exercising the powers and performing the functions of the Sarpanch, or is incapacitated for more than fifteen days, his powers and functions during such absence, restraint or incapacity shall devolve on the Upa-Sarpanch.

(3) When the Sarpanch is under suspension or when the office of Sarpanch is vacant or the Sarpanch has been continuously absent from jurisdiction for more than fifteen days or is restrained by an order of a Court from exercising the powers and performing the functions of the Sarpanch or is incapacitated for more than fifteen days and the Upa-sarpanch also is under suspension or there is either a vacancy in the office of Upa-Sarpanch or the Upa-Sarpanch has been continuously absent from jurisdiction for more than fifteen days or is restrained by an order of a Court from exercising the powers and performing the functions of the Upa-Sarpanch or is incapacitated for more than fifteen days, the powers and functions of the Sarpanch shall devolve on a member of gram panchayat appointed by the Commissioner in this behalf.

The member so appointed shall be styled as the temporary Sarpanch and he shall exercise the powers and perform the functions of the Sarpanch until a new Sarpanch or Upa-Sarpanch is declared elected or either the Sarpanch or the

Upa-Sarpanch ceases to be under suspension or returns to jurisdiction or ceases to be restrained by an order of a Court or recovers from his incapacity, as the case may be.

(4) The Upa-Sarpanch or the temporary Sarpanch appointed under sub-section (3) shall report to the District Panchayat Officer, any vacancy in the office of Sarpanch within one month from the date of occurrence of such vacancy.

(5) Subject to such rules as may be prescribed, the Sarpanch may, by an order in writing, delegate any of his powers and functions, with such restrictions and conditions as may be specified in the order, to the Upa-Sarpanch or in case there is a vacancy in the office of Upa-Sarpanch or the Upa-Sarpanch has been continuously absent from jurisdiction for more than fifteen days or is restrained by an order of a Court from exercising his powers and performing his functions to any member.

(6) The reference to the powers and functions of Sarpanch in sub-sections (1), (2), (3) and (5) shall, where he is also the executive authority, be deemed to include a reference to his powers and functions as executive authority.

(7) The exercise of any powers or the performance of any functions devolving on the Upa-Sarpanch under sub-section (2) or delegated to the Upa-Sarpanch or any member under sub-section (5), shall be subject to the control and revision by the Sarpanch.

**Removal of temporary Sarpanch.**

27. The Commissioner may, by order, for sufficient cause to be specified therein, remove the temporary Sarpanch appointed under sub-section (3) of section 26 after giving him an opportunity to show cause against such removal.

**Rights of individual members.** 28. (1) Any membe may call the attention of the executive authority to any neglect in the execution of gram panchayat work, to any waste of gram panchayat property or to the wants of any locality and may suggest any improvements which may appear desirable and thereupon the executive authority, shall explain at the next meeting of the gram panchayat, the action, if any, that has been taken or is proposed to be taken with reference to, the matter to which attention has been called, or the improvements suggested by the member.

(2) Every member shall have the right to move resolutions and to interpellate the Sarpanch on matters connected with the administration of the gram panchayat, subject to such rules as may be prescribed.

(3) Every member shall have access during office hours to the records of the gram panchayat after giving due notice to the executive authority, provided that the executive authority, may, for reasons given in writing, forbid such access:

Provided that the member who has been denied such access may prefer an appeal to the Extension Officer (Panchayats) whose decision thereon shall be final.

**No Sarpanch, Upa-Sarpanch or members to receive remuneration.** 29. No Sarpanch, Upa-Sarpanch or member shall receive, or be paid from the funds at the disposal of or under the control of the gram panchayat, any salary or other remuneration for services rendered by him whether in his capacity as such or in any other capacity. Nothing in this section shall prevent the Sarpanch from receiving any honorarium fixed by order, by the Government.

30. (1) A whole time or a part-time executive officer shall be appointed by the Commissioner for any gram panchayat or for any group of contiguous gram panchayats which may be notified by him in this behalf: **Appointment of executive officers for certain gram panchayats.**

Provided that before notifying a group of gram panchayats under this sub-section, the Commissioner shall obtain the approval of the Government.

(2) In the case of every gram panchayat not so notified and also in the case of any gram panchayat so notified if there is no executive officer incharge, the Sarpanch of the gram panchayat shall, subject to such rules as may be prescribed, exercise the powers and perform the functions of the executive officer.

(3) Save as otherwise prescribed, no executive officer appointed under sub-section (1) shall undertake any work unconnected with his office without the sanction of the Government.

(4) The executive officer shall be subordinate to the gram panchayat.

31. (1) The Executive Officer if there is one, or the Village Development Officer having jurisdiction over the Gram Panchayat shall, with the approval of, or on the direction of the Sarpanch, convene the meetings of the Gram Panchayat so that atleast one meeting of the Gram Panchayat is held every month and if the Executive Officer, or as the case may be the Village Development Officer, fails to discharge that duty, with the result that no meeting of the Gram Panchayat is held within a period of ninety days from the last meeting he shall be liable to disciplinary action under the relevant rules: **Functions of Executive Officer.**

Provided that where the Sarpanch fails to give his approval for convening the meeting so as to hold a meeting within the period of ninety days aforesaid, the Executive Officer or as the case may be the Village Development Officer shall himself convene the meeting in the manner prescribed.

(2) The Executive Officer shall ordinarily attend to the meetings of the gram panchayat or of any committee thereof and shall be entitled to take part in the discussions thereat, but he shall not be entitled to vote or to move any resolution.

32. The executive authority shall -

(a) be responsible for implementing the resolutions of the gram panchayat and of the Committee thereof:

Provided that where the executive authority considers that a resoultion has not been legally passed or is in excess of the powers conferred by this Act or that if carried out, it is likely to endanger human life or health or the public safety, the executive authority shall-

(i) where he is the Sarpanch directily;

(ii) where he is not the Sarpanch, through the Sarpanch, refer the matter to the Commissioner for orders, and his decision shall be final;

(b) control all the officers and servants of the gram panchayat;

(c) exercise all the powers and perform all the functions specifically conferred or imposed on the executive authority by or under this Act and subject

to all restrictions and conditions imposed by or under this Act, exercise the executive power for the purpose of carrying out the provisions of this Act and be directly responsible for the due fulfilment of the purpose thereof.

**Emergency powers of Sarpanch.**

33. In case emergency, the Sarpanch, may, in consultation with the executive officer, if any, direct the execution of any work or the doing of any act which requires the sanction of the gram panchayat or any of its committees and the immediate execution or the doing of which is, in his opinion, necessary for the service or safety of the general public, but he shall report the action taken under this section and the reasons thereof to the gram panchayat or the concerned committee at its next meeting:

Provided that he shall not direct the execution of any work or the doing of any act in contravention of any order of the Government.

**Exercise of functions of executive authority by Health Officer in certain cases.**

34. The commissioner may: by general or special order, authorise the Health Officer of the District to exercise such of the functions of an executive authority under this Act in such area and subject to such restrictions and conditions and to such control and revision as may be specified in such order.

**Delegation of functions of executive authority.**

35. Subject to such restrictions and control as may be prescribed, the excutive authority may, by an order in writing, delegate any of his functions as such-

(i) if he is the Sarpanch, to the Upa-Sarpanch and in the absence of the Upa-Sarpanch, to any other member;

(ii) if he is not the Sarpanch to the Sarpanch; in the absence of the Sarpanch to the Upa-Sarpanch and in the absence of both Sarpanch and the Upa-Sarpanch to any other member.

The exercise or discharge of any functions so delegated shall be subject to such restrictions so and conditions as may be laid down by the executive authority and shall also be subject to his control and revision.

**Officers and other employees of gram panchayat.**

36. (1) Subject to such rules as may be made under the proviso to article 309 of the Constitution, the Government, shall fix and may alter the number, designations and grades of and the salaries, fees and allowances payable to such officers and other employees of a gram panchayat as may be prescribed.

(2) The Government shall, pay out of the Consolidated Fund of the State, the salaries, allowances, leave allowances, pension and contributions if any towards provident fund or pension-cum-provident fund of the officers and other employees referred to in sub-section (1).

(3) The classification and methods of recruitment, conditions of service, pay and allowances, and discipline and conduct of the officers and employees referred to in sub-section (1) shall be regulated in accordance with such rules as may be made under the proviso to article 309 of the Constitution.

(4) Every holder of the post specified in sub-section (1), who is appointed immediately before the commencement of this Act, shall, notwithstanding anything in this Act, continue to hold such post, subject to such rules as may be made under the proviso to article 309 of the Constitution, and until provision in that behalf is so made, the law for the time being in force regulating the recruitment and conditions of service applicable to

such holder immediately before such commencement shall continue to apply to such holder.

(5) All officers and other employees of the gram panchayats shall be subordinate to the gram panchayat.

(6) The Government may, from time to time by order, give such directions to any gram panchayat or any officer, authority or person thereof, as may appear to them to be necessary for the purpose of giving effect to the provisions of this section and section 30; and the gram panchayat, officer, authority or person shall comply with all such directions.

(7) The provisions of this section shall also apply to the public health establishment of gram panchayats, notwithstanding anything in the Andhra Pradesh (Andhra Area) Public Health Act, 1939 or any other law similar thereto for the time being in force in the State. **Act 3 of 1939.**

(8) Subject to such rules as may be made under the proviso to article 309 of the Constitution the Commissioner may appoint such engineering and other staff as he considers necessary for the purposes of any gram panchayat or two or more gram panchayats.

**Presidency at meetings.**

37. Save as otherwise provided by or under this Act, every meeting of a gram panchayat shall be presided over by the Sarpanch, in his absence by the Upa-Sarpanch and in the absence of both Sarpanch and Upa-Sarpanch by a member chosen by the meeting to preside for occasion.

**Minutes of proceedings.**

38. The minutes of the proceedings at every meeting of a gram panchayat shall be recorded and action taken thereon in the manner prescribed.

**Power to call for**

39. A gram panchayat or a committee thereof may, at any of its meetings,

require the executive authority to furnish any document in his custody, in so far as such document relates to any of the subjects included in the agenda for such meeting and the executive authority shall comply with every such requisition.

**Benificiary committees and functional committees.**

40. (1) For every gram panchayat there shall be a Committee by name "Beneficiary Committee" for the execution of the works of the gram panchayat. The composition, including cooption of persons who are not members of the gram panchayat and the powers and functions and other related matters of the Beneficiary Committee, shall be such as may be prescribed.

(2) For every gram panchayat there shall be constituted functional committees respectively for agriculture, public health, water supply, sanitation, family planning, education and communication and for any other purposes of this Act.

(3) The constitution including cooption of persons who are not members of the gram panchayat and powers of a functional committee shall be in accordance with such rules as may be prescribed.

**Proceedings of gram panchayats and committees.**

41. (1) The proceedings of every gram panchayat and of all committees thereof shall be governed by such rules as may be prescribed and by regulations, not inconsistent with such rules or the provisions of this Act, made by the gram panchayat with the approval of the Commissioner.

(2) The Commissioner shall have power to add to, omit or alter any regulations submitted for his approval under sub-section (1).

(3) The rules that may be prescribed under sub-section (1) may provide for preventing any member or Sarpanch or any

member or Chairman of a Committee from voting on, or taking part in the discussion of any matter in which apart from its general application to the public, he has any direct or indirect pecuniary interest whether by himself or through some other person, or from being present or presiding at any meeting of the gram panchayat or of the committee during the discussion of any such matter.

**Appointment of Joint Committees.**

42. (1) A gram panchayat may, and if so required by the Government shall, join with one, or more than one, other local authority in constituting a joint committee for any purpose in which they are interested or for any matter for which they are jointly interested or for any matter for which they are jointly responsible. The composition, powers and functions and other incidental and consequential matters shall be such as may be prescribed.

**Administration report.**

43. The executive authority of every gram panchayat shall prepare a report on its administration for each year, as soon as may be after the close of such year and not later than prescribed date, in such form and with such details as may be prescribed and place it before the gram panchayat for its consideration.

**Powers of inspecting and superintending officers and of the Government.**

44. (1) The Commissioner shall supervise the administration of all gram panchayats in the State and shall also exercise the powers and perform the functions vested in him by or under this Act.

(2) (a) The Government may appoint such other officers as they may consider necessary for the purpose of inspecting or superintending the operations of all or any of the gram panchayats constituted under this Act.

(b) In particular and without prejudice to the generality of the foregoing provision, the Government may appoint District Panchayat Officers, Divisional Panchayat Officers and Extension Officers (Panchayats) and define the territorial jurisdiction of each such officer.

(c) The Government shall have power to regulate the classification, methods of recruitment, conditions of service, salary and allowances and discipline and conduct of the officers referred to in clauses (a) and (b) and of the members of their establishment.

(3) The cost of the officers and the members of the establisnment aforesaid shall be paid out of the Consolidated Fund of the State.

(4) The District Panchayat Officers, the Divisional Panchayat Officers and the Extention Officers (Panchayats) shall exercise such powers and perform such functions as may be prescribed, or as may be delegated to them under this Act.

(5) The Commissioner or the District Collector or any officer appointed under sub-section (2) or any other officer or person whom the Government or the Commissioner or the District Collector may empower in this behalf, may enter on and inspect, or cause to be entered on and inspected,-

(a) any immovable property or any work in progress under the control of any gram panchayat or executive officers;

(b) any school, hospital, dispensary, vaccination station, choultry, or other institutions maintained, by or under the control of, any gram panchayat and any records, registers or other documents kept in such institution;

(c) the office of any gram panchayat and any records, registers or other documents kept therin.

Gram panchayats and their Sarpanches, executive authorities, officers and servants shall be bound to afford to the officers and persons aforesaid, such access, at all reasonable times, to gram panchayat property or premises, and all documents as may, in the opinion of such officers or persons, subject to such rules as may be prescribed; be necessary to enable them to discharge their duties, under this section.

(6) The Commissioner or any officer or person whom the Government, or the Commissioner may empower in this behalf may,-

(a) direct the gram panchayat to make provision for and to execute or provide any public work or amenity or service of the discription referred to in section 45;

(b) call for any record, register or other document in the possession, or under the control, of any gram panchayat or executive authority;

(c) require any gram panchayat, or executive authority to furnish any return, plan, estimate, statement, account or statistics;

(d) require any gram panchayat, or executive authority to furnish any information or report on any matter connected with such gram panchayat;

(e) record in writing for the consideration of any gram panchayat, or executive authority any observations in regard to its or his proceedings or functions.

## CHAPTER - III

## POWERS, FUNCTIONS AND PROPERTY OF GRAM PANCHAYATS.

**Duty of gram panchayat to provide for certain matters.**

45. (1) Subject to the provisions of this Act and the rules made thereunder, it shall be the duty of a gram panchayat within the limits of its funds to make reasonable provisions for carrying out the requirements of the village in respect of the following matters, namely:-

(i) the construction, repair and maintenance of all buildings vested in the gram panchayat and of all public roads in the village (other than the roads vested in the Mandal Parishad and Zilla Parishad and the roads classified by the Government as National and State Highways) and of all bridges, culverts, road dams and causeways on such roads;

(ii) the lighting of public roads and public places;

(iii) the construction of drains and their maintenance and the disposal of drainage water and sullage;

(iv) the cleaning of streets, the removal of rubbish heaps, jungle growth and prickly-pear, the filling in of the

disused wells, insanitary ponds, pools, ditches, pits or hollows and other improvements of the sanitary condition of the village;

(v) the provision of public latrines and arrangements to clean latrines, whether public or private;

(vi) the opening and maintenance of cremation and burial-grounds, and the disposal of unclaimed dead bodies of human beings or of animals;

(vii) preventive and remedial measures connected with any epidemic or with malaria;

(viii) the sinking and repairing of wells, the excavation, repair and maintenance of ponds or tanks and the construction and maintenance of water works, for the supply of water for washing and bathing purposes and of protected water for drinking purposes;

(ix) the conservation of manurial resources, preparation of compost and sale of manure;

(x) the registration of births and deaths;

(xi) the establishment and maintenance of cattle ponds; and

(xii) all other matters expressly declared obligatory by or under this Act or any other law.

(2) Apart from the matters specified in sub-section (1), the Government may, subject to such rules as may be made in this behalf, entrust the gram panchayats with any functions in relation to the subjects specified in Schedule-1.

(3) The gram panchayats shall do resource planning at village level.

(4) No suit for damages for failure or for enforcement of the duty to make provision in respect of any of the matters specified in sub-section (1) shall be maintainable against any gram panchayat, executive authority, officer or servant of the gram panchayat.

**Power of gram panchayat to provide for certain other matters.**

46. Subject to the provisions of this Act and the rules made thereunder, a gram panchayat may also make such provision as it thinks fit for carrying out the requirements of the village in respect of the following matters, namely:-

(i) the construction and maintenance of dharmashalas, sarais and rest-houses for travellors;

(ii) the planting and preservation of groves and trees on the sides of roads and other public places;

(iii) the promotion and development of pre-primary education, elementary education, social and health education, cottage industries and trade;

(iv) the establishment and maintenance of dispensaries and the payment of subsidies to rural medical practitioners;

(v) the establishment and maintenance of wireless receiving sets, play grounds, akhadas, clubs and other centres for recreation and physical culture;

(vi) the laying and maintenance of parks;

(vii) the establishment and maintenance of libraries and reading rooms;

(viii) the provision of relief to the crippled, the destitute and the sick;

(ix) the establishment and maintenance of nurseries and stores of improved seeds and agricultural implements of the production and distribution of improved seeds, pesticides and insecticides and the holding of agricultural shows including cattle shows;

(x) the propogation of improved methods of cultivation in the village including laying out of demonstration plots with a view to increasing production;

(xi) the encouragement of cooperative management of lands in the Village and the organisation of joint co-operative farming; and the promotion of co-operatives for the manufacture of bricks, tiles, hinges, doors, windows, rafters or other building materials as provided in the village housing project schemes sponsored by the Central Government;

(xii) the establishment and maintenance of ware-houses and granaries;

(xiii) the establishment and maintenance of cattle sheds;

(xiv) the extension of village-sites;

(xv) the improvement of cattle including purchase and maintenance of stud bulls and the provision of veterinary relief;

(xvi) the control of fairs, jataras and festivals;

(xvii) the organisation of voluntary labour for community development works in the village;

(xviii) the establishment and maintenance of maternity and child-welfare centres;

(xix) the organisation of watch and ward;

(xx) the provision of relief against famine or other calamities;

(xxi) the destruction of stray and ownerless dogs;

(xxii) the preparation of statistics of unemployment;

(xxiii) the opening and maintenance of public markets;

(xxiv) the opening and maintenance of public slaughter houses;

(xxv) the implementation of land reform measures in the village including consolidation of holdings and soil conservations;

(xxvi) the setting up of organisation to promote good will and social harmony between different communities, the removal of untouchability, the provision of house-sites for harijans, the eradication of corruption, the prohibition of or temperance in the consumption of intoxicating drinks

or drugs which are injurious to health and the discouragement of gambling and litigation;

(xxvii) other measures of public utility calculated to promote the safety, health, convenience, comfort or moral, social and material well being of the residents of the village.

**Maintenance of common dispensaries, child welfare centres etc.,**

47. Subject to the provisions of this Act and the rules made thereunder, two or more gram panchayats may establish and maintain common dispensaries, child welfare centres and institutions of such other kind as may be prescribed.

**Transfer of management of forests to gram panchayat.**

48. (1) Subject to any law for the time being in force the Government may, by notification, transfer to any gram panchayat with its consent and subject to such conditions as may be agreed upon, the management and maintenance of a forest adjacent to the village; and they may by a like notification, withdraw management and maintenance of such forest from the gram panchayat after giving an opportunity to the gram panchayat to make its representation.

(2) When the management and maintenance of any forest is transferred to gram panchayat under sub-section (1), the income derived by the gram panchayat from the forest under its management and maintenance or the expenditure incurred by the gram panchayat, for such a management and maintenance shall be apportioned between the Government and the gram panchayat in such manner as the Government may, by order, determine.

**Transfer to panchayats of institutions or works.**

49. (1) Subject to such rules as may be prescribed, the Government, the District Collector or the Revenue Divisional Officer, Mandal Parishad or Zilla Parishad or any person or body of persons, may transfer to the gram panchayat, with its consent and

subject to such conditions as may be agreed upon, the management of any institution, or the execution or maintenance of any work, or the exercise of any power or the discharge of any duty whether within or without the village, and whether provided for in this Act or not.

(2) When the management of any institution is transferred to the gram panchayat under sub-section (1), all property, endowments and funds belonging thereto, shall be held by the gram panchayat in trust for the purposes to which such property, endowments and funds were lawfully applicable at the time of such transfer.

**Power of Commissioner of Land Revenue to transfer, resume control of endowments and inams.**

50. (1)(a) Subject to the control of the Government, the Commissioner of Land Revenue may, by notification, make over to a gram panchayat, with its consent, the management and superintendence of any charitable endowment in respect of which powers and duties attached to the said Commissioner under the provisions of the Andhra Pradesh Escheats and Bona Vacantia Act, 1974 and thereupon all powers and duties attaching to the Commissioner in respect thereof shall attach to the gram panchayat as if it had been specifically named in the said Regulation or law, and the grám panchayat shall manage and superintend such endowment.

**Act 35 of 1974**

(b) The Commissioner of Land Revenue may of his own motion, and shall on a direction from the Government, by notification in the Andhra Pradesh Gazette, resume the management and superintendence of any endowment made over to a gram panchayat under clause (a) and upon such resumption, all the powers and duties attaching to the gram panchayat in respect of the endowment shall cease and determine.

(2) The Government may assign to a gram panchayat with its consent a charitable inam resumed by the Government or any authority, provided that the net income from such inam can be applied exclusively to any purpose to which the funds of such gram panchayat may be applied; and may revoke any assignment so made.

(3) No order of resumption under clause (b) of sub-section(1) or of revocation under sub-section(2), shall be passed unless the gram panchayat has had an opportunity of making its representation.

**Limitation of power to accept donations and trusts.**

51. A gram panchayat may accept donations for, or trust relating exclusively to the furtherance of any purpose to which its funds may be applied.

**Maintenance of cattle pounds.**

**Central Act 1 of 1871.**

52.(1) Notwithstanding anything in the Cattle Trespass Act, 1871-

(i) any cattle pound to transferred to a gram panchayat, or a cattle pound established by a gram panchayat under this Act, shall be maintained and controlled by the gram panchayat;

(ii) a pound keeper for every cattle-pound referred to in clause(i), shall be appointed by the gram panchayat; and

(iii) all sums on account of fines and surplus unclaimed sale proceeds realised under the Cattle Trespass Act, 1871 in respect of any cattle pound referred to in clause (i) shall be credited to the gram panchayat fund..

(2) Subject to the provisions of sub-section(1) the provisions of the Cattle Trespass Act, 1871 shall, as far as may be, applicable to the cattle pounds referred to in clause(i) of sub-section(1).

**Vesting of public roads in gram panchayat.**

53. (1) All public roads in any village, other than National Highways, State Highways and roads vesting in Zilla Parishad or Mandal Parishad shall vest in the gram Panchayat together with all pavements, stones and other materials thereof, all works, materials and other things provided therefor, all sewers, drains, drainage works, tunnels and culverts, whether made at the cost of the gram panchayat fund or otherwise, in along side or under such roads, and all works, materials and things appertaning thereto:

Provided that the gram panchayat shall take steps to remove encroachments on, and prevent, un-authorised use of, any road other than a National Highway passing through the gram panchayat.

(2) The Government may, after giving an opportunity to the gram panchayat of making a representation by notification, exclude from the operation of this Act any such public road, sewer, drain, drainage work, tunnel or culvert, and may also modify or cancel such notification.

**Collected sewage etc., to belong to gram panchayat.**

54. All rubbish, sewage, filth and other matter collected by a gram panchayat under this Act shall belong to it.

**Vesting of communal property or income in gram panchayat.**

55. Any property or income which by custom belongs to or has been administered for the benefit of the villagers in common or the holders in common of village land generally or of lands of a particular description or of lands under a particular source of irrigation, shall vest in the gram panchayat and be administered by it for the benefit of the villagers or holders aforesaid.

**Maintenance of irrigation works, execution of kudimaramat etc.,**

56. (1)(a) Subject to such conditions and control as may be prescribed, the Government may transfer to any gram panchayat

the protection and maintenance of any village irrigation work, the regulation of turns of irrigation, or of distribution of water from any such irrigation work to the field depending on it.

(b) Subject to such restriction and control as may be prescribed, the fishery rights in minor irrigation tanks and the right to auction weeds and reeds in such tanks and the right to plant trees on the bunds of such tanks and enjoy the usufruct thereof shall vest in the gram panchayat.

(2) The gram panchayat shall have power, subject to such restrictions and control as may be prescribed, to execute kudimaramat in respect of any irrigation source in the village and to levy such fee and on such basis for the purposes thereof as may be prescribed:

Provided that nothing in this section shall be deemed to relieve the village community or any of its members of its or his liability under the Andhra Pradesh (Andhra Area) Compulsory Labour Act, 1858, or any other law similar thereto for the time being in force in respect of any irrigation source in the village, in case the gram panchayat makes default in executing the kudimaramat in respect of that irrigation source.

Central Act I of 1858.

**Vesting of the management of ferries in gram panchayats etc.**

Act 2 of 1890.
Act 2 of 1314 F.

57. Notwithstanding anything in the Andhra Pradesh (Andhra Area) Canals and Public Ferries Act, 1890 and the Andhra Pradesh (Telangana Area) Ferries Act, 1314 Fasli, the management of a public ferry in the Andhra Area, and of a Government ferry in the Telangana area other than a ferry mentioned in sub-section(2) shall vest-

(a) in the case of a ferry connecting any public road under the management of a gram p nchayat and lying wholly within the

jurisdiction of that gram panchayat, in such gram panchayat and in the case of a ferry connecting any public road under the management of a gram panchayat and lying within the jurisdiction of more than one gram panchayat, in a joint committee of the gram panchayats concerned;

(b) in the case of a ferry connecting any public road under the management of a Mandal Parishad and lying wholly within the jurisdiction of that Mandal Parishad in such Mandal Parishad and in the case of ferry connecting any public road under the management of a Mandal Parishad and lying within the jurisdiction of more than one Mandal Parishad in a joint committee of the Mandal Parishad concerned;

(c) in the case of a ferry connecting any public road under the management of a gram panchayat or a Mandal Parishad and lying partly within the jurisdiction of a municipality, in a joint committee of the gram panchayat or a Mandal Parishad as the case may be, and the Municipality concerned.

(2) The Government may, subject to such conditions as may be agreed upon transfer the management of any such ferry connecting a National Highway or a State High Way and lying wholly within the jurisdiction of a gram panchayat or a Mandal Parishad to such gram panchayat or Mandal Parishad and in case the said ferry is lying within the jurisdiction of more than one gram pcnahayat or Mandal Parishad to the Zilla Parishad concerned.

(3) The constitution and powers of the procedure to be adopted by any joint committee referred to in sub-section(1) and the method of resolving any difference of opinion arising between the local authorities concerned in connection with the work of such committee shall be in accordance with such rules as may be prescribed.

(4) The income realised by a Zilla Parishad, Mandal Parishad or a gram panchayat from any ferry under its management under sub-section(1) or sub-section (2) shall form part of its funds. The income realised by joint committee referred to in sub-section (1) or by a Zilla Parishad under sub-section (2) from a ferry under its management shall be apportioned in equal shares between the local authorities concerned and the amount so apportioned shall form part of the funds of such local authorities.

**Explanation:** For the purpose of this section, the expression 'Public Ferry' in relation to the Andhra Area, and the expression 'Government Ferry' in relation to Telengana area, shall respectively have the meaning assigned to them in the Andhra Pradesh (Andhra Area) Canals and Public Ferries Act, 1890 and the Andhra Pradesh (Telengana area) Ferries Act 1314 Fasli.

**Act 2 of 1890.**

**Act 2 of 1314 F.**

**Certain Government porambokes to vest in gram panchayat etc.**

58. (1) The following porambokes namely grazing grounds, threshing floors, burning and burial grounds, cattle stands, cart-stands and topes, which are at the disposal of the Government and are not required by them for any specific purpose shall vest in the gram panchayat subject to such restrictions and control as may be prescribed.

(2) The Government may, at any time by notification in the Andhra Pradesh Gazette, direct that any porambokes referred to in sub-section(1) shall cease to vest in the gram panchayat if it is required by them for any specific purpose and thereupon such porambokes shall vest in the Government.

(3) The gram panchayat shall have power, subject to such restrictions and control as may be prescribed, to regulate the use of any other poramboke which is at the disposal of the Government, if the

gram panchayat is authorised in that behalf by an order of the Government.

(4) The gram panchayat may, subject to such restrictions and control as may be prescribed, plant trees on any poramboke the use of which is regulated by it under sub-section(3).

Explanation: If any question arises whether a land is a poramboke or not, for the purposes of this section, the question shall be referred to the Government whose decision thereon shall be final.

**Acquisition of immovable property required by gram panchayat.**

**Central Act 1 of 1894.**

59. Any immovable property which any gram panchayat may require for the purpose of this Act or any rules made thereunder may be acquired under the provisions of the Land Acquisition Act, 1894 and on payment of the compensation awarded under the said Act, in respect of such property and of any other charges incurred in acquiring it, the said property shall vest in the gram panchayat.

CHAPTER IV

TAXATION AND FINANCE

**Taxes leviable by gram panchayats.**

60. (1) A gram panchayat shall levy in the village,-

(a) a House-tax;

(b) kolagaram, or katarusum that is to say, tax on the village produce sold in the village by weight measurement or number subject to such rules as may be prescribed;

(c) such other tax as the Government may, by notification, direct any gram panchayat or class of gram panchayats to levy subject to such rules as may be prescribed:

Provided that no such notification shall be issued and no such rule shall be made except with the previous approval of the Legislative Assembly of the State.

(2) A duty shall also be levied on transfers of property situated in the area under the jurisdiction of the gram panchayat in accordance with the provisions of section 69.

(3) Subject to such rules as may be prescribed the gram panchayat may also levy in the village,-

(i) a vehicle tax;

(ii) [illegible] on agricultural land for a specific purpose;

(iii) a land-cess at the rate of two naya paise in the rupee on the annual rental value of all occupied lands which are not occupied by or adjacent and appurtenant to, buildings;

(iv) fees for use of porambokes or communal lands under the control of the gram panchayat;

(v) fees for the occupation of building including chavadies and sarais under the control of the gram panchayat.

(4) Every gram panchayat may also levy a duty in the form of a surcharge on the seigniorage fees collected by the Government on materials other than minerals and minor minerals quarried in the village:

Provided that the rate at which such duty shall be levied shall be fixed by the gram panchayat with the previous approval of the Government.

(5) Every gram panchayat may, with the previous approval of the prescribed authority also levy, in respect of lands lying within its jurisdiction, a duty in the form of a surcharge at such rate, not exceeding twenty-five naya paise in the rupee, as may be fixed by the gram panchayat-

Act XIV of 1920. (a) in the Andhra area, on the land cess, leviable under section 78 of the Andhra Pradesh (Andhra Area) District Boards Act, 1920 and on the education tax leviable under section 37 of the Andhra Act 1 of 1982. Pradesh Education Act, 1982;

(b) in the Telangana area, on the local cess leviable under section 135 of Act 1 of 1956. the Andhra Pradesh (Telangana Area) District Boards Act, 1955 and on the education tax leviable under section 37 of the Andhra Act 1 of 1982. Pradesh Education Act, 1982.

(6) Any resolution of a gram panchayat abolishing an existing tax or reducing the rate at which a tax is levied shall not be carried into effect without the previous approval of the Commissioner.

House-tax. 61. (1) The house-tax referred to in caluse (a) of sub-section (1) of section 60 shall, subject to such rules as may be prescribed, be levied on all houses in the village on any one of the following basis, namely:

(a) annual rental value, or

(b) capital value, or

(c) such other basis as may be prescribed:

Provided that no house tax shall be levied on poultry sheds and annexes thereto which are essential for running the poultry farms.

(2) The house-tax shall, subject to the prior payment of the land revenue, if any due to the Government in respect of the site of the house be a first charge upon the house and upon the movable property, if any, found within or upon the same and belonging to the person liable to pay such tax.

(3) The house-tax shall be levied every year and shall, save as otherwise expressly provided in the rules made under sub-section (1) be paid by the owner within thirty days of the commencement of the year. It shall be levied at such rates as may be fixed by the gram panchayat, not being less than the minimum rates and not exceeding the maximum rates, prescribed in regard to the basis of levy adopted by the gram panchayat.

(4) The Government may make rules providing for -

(i) the exemption of special classes of houses from the tax;

(ii) the manner of ascertaining the annual or capital value of houses or the categories into which they fall for the purposes of taxation;

(iii) the persons who shall be liable to pay the tax and the giving of notice of transfer of houses;

(iv) the grant of exemptions from the tax on the ground of poverty;

(v) the grant of vacancy and other remissions; and

(vi) the circumstances in which, and the conditions subject to which houses constructed, reconstructed or demolished,

or situated in areas included in, or excluded from the village, during any year, shall be liable or cease to be liable to the whole or any portion of the tax.

(5) If the occupier of a house pays the house-tax on behalf of the owner thereof, such occupier shall be entitled to recover the same from the owner and may deduct the same from the rent then or thereafter due by him to the owner.

**Levy of house-tax on a direction by Government.**

62. (1) The Government may, by order published in the Andhra Pradesh Gazette, for special reasons to be specified in such order direct any gram panchayat to levy the house-tax referred to in clause (a) of sub-section (1) of section 60 at such rates and with effect from such date not being earlier than the first day of the year immediately following that in which the order is published, as may be specified in the order.

Such direction may be issued in respect of all buildings in a gram panchayat or in respect of only such buildings belonging to the undertakings owned or controlled by the State Government or Central Government and the buildings belonging to the State Government as may be specified therein.

(2) When an order under sub-section (1) has been published, the provisions of this Act relating to house-tax shall apply as if the gram panchayat had, on the date of publication of such order, by resolution determined to levy the tax at the rate and with effect from the date specified in the order, and as if no other resolution of the gram panchayat under section 60 determining the rate at which and the date from which the house-tax shall be levied, had taken effect.

(3) A gram panchayat shall not alter the rate at which the house-tax is levied in pursuance of an order under sub-section (1) or abolish such tax except with the previous sanction of the Government.

63. Every person who erects, exhibits, fixes or retains upon or over any land, building, wall, hoarding or structure any advertisement or who displays any advertisement to public view in any manner whatsoever, in any place whether public or private, shall pay on every advertisement which is so erected, exhibited, fixed, retained, or displayed to public view, a tax calculated at such rates and in such manner and subject to such exemptions as the gram panchayat may with the approval of the Zilla Parishad by resolution determine: **Tax on advertisements.**

Provided that the rates shall be subject to the maximum and minimum prescribed by the Government in this behalf:

Provided further that no tax shall be levied under this section on any advertisement or a notice,-

(a) of a public meeting; or

(b) of an election to any legislative body or to the Gram Panchyat, Mandal Parishad or Zilla Parishad; or

(c) of a candidature in respect of such an election·

Provided also that no such tax shall be levied on any advertisement which is not a sky-sign and which -

(a) is exhibited within the window of any building; or

(b) relates to the trade or business carried on within the land or building

upon or over which such advertisement is exhibited or to any sale or letting of such land or building or any effects therein or to any sale, entertainment or meeting to be held upon or in the same land or building; or

(c) relates to the name of the land or building upon or over which the advertisement is exhibited or to the name of the owner or occupier of such land or building; or

(d) relates to the business of any railway administration; or

(e) is exhibited within any railway station or upon any wall or other property of a railway administration except any portion of the surface of such wall or property fronting any street.

**Explanation-I:** The word "structure" in this section shall include any movable board on wheels used as an advertisement or an advertisement medium.

**Explanation-II:** The expression "sky-sign" shall in this section, mean any advertisement, supported on or attached to any post, pole, standard frame work or other support wholly or in part upon or over any land, building, wall or structure which, or any part of which shall be visible against the sky from some point in any public place and includes all and every part of any such post, pole, standard frame work or other support. The expression "sky-sign" shall also include any baloon, parachute or other similar device employed wholly or in part for the purposes, of any advertisement upon or over any land, building or structure or upon or over any public place but shall not include -

(a) any flagstaff, pole, vane or weather-cock unless adopted or used wholly or in part for the purpose of any advertisement; or

(b) any sign or any board, frame or other contrivance securely fixed to or on the top of the wall or parapet of any building or on the cornice or on blocking course of any wall or to the ridge of a roof:

Provided that such board, frame or other contrivance be of one continuous face and not open work, and does not extend in height more than one metre above any part of the wall or parapet or ridges, to, against or on which it is fixed or supported; or

(c) any advertisement relating to the name of the land or building upon or over which the advertisement is exhibited or to the name of the owner or occupier of such land or building; or

(d) any advertisement relating exclusively to the business of a railway administration and placed wholly upon or over any railway, railway station, yard, platform or station approach belonging to railway administration and so placed that it cannot fall into any street or public place; or

(e) any notice of land or building to be sold or let, placed upon such land or building.

Explanation-III: "Public place" shall, for the purpose of this section, mean any place which is open to the use and enjoyment of the public, whether it is actually used or enjoyed by the public or not.

64. (1) No advertisement shall be erected, exhibited, fixed or retained upon

**Prohibition of advertisements without written permission of executive authority.**

or over any land, building, wall, boarding or structure within the gram panchayat or shall be displayed in any manner whatsoever in any place without the written permission of the executive authority.

(2) The executive authority shall not grant such permission, if -

(i) the advertisement contravened any bye-law made by the gram panchayat under section 270;

(ii) the tax, if any, due in respect of the advertisement has not been paid.

(3) Subject to the provisions of sub-section (2) in the case of an advertisement liable to the advertisement tax, the executive authority shall grant permission for the period to which the payment of the tax relates and no fees shall be charged in respect of such permission:

Provided that the provisions of this section shall not apply to any advertisement relating to the business of a railway administration erected, exhibited, fixed or retained on the premises of such administration.

**Permission of the executive authority to become void in certain cases.**

65. The permission granted under section 64 shall become void in the following cases namely:-

(a) if the advertisement contravenes any bye-law made by the gram panchayat under section 270;

(b) if any addition to the advertisement be made except for the purpose of making it secure under the direction of Engineer of the Panchayat Raj and Rural

Development Department or the Mandal Parishad Development Officer;

(c) if any material change be made in the advertisement or any part thereof;

(d) if the advertisement or any part thereof falls otherwise than through accident;

(e) if any addition or alteration be made to or in the building, wall or structure upon or over which the advertisement is erected, exhibited, fixed or retained, if such addition or alteration involves the disturbance of the advertisement, or any part thereof; and

(f) if the building, wall or structure upon or over which the advertisement is erected, exhibited, fixed or retained, be demolished or destroyed.

**Owner or person in-occupation to be deemed responsible.**

66. Where any advertisement is erected, exhibited, fixed or retained upon or over any land, building, wall, hoarding or structure in contravention of the provisions of section 63 or section 64 or after the written permission for the erection, exhibition, fixation or retention thereof for any period has expired or becomes void, the owner or person in occupation of such land, building, wall, hoarding or structure shall be deemed to be the person who has erected, exhibited, fixed or retained such advertisement in such contravention, unless he proves that such contravention was committed by a person not in his employment or under his control or was committed without his connivance.

**Removal of un-authorised advertisements.**

67. If any advertisement is erected, exhibited, fixed or retained contrary to the provisions of section 63, section 66 or after the written permission for the erection, exhibition, fixation or retention thereof for any period has expired or become void, the executive authority may, by notice in writing, require the owner or occupier of the land, building, wall, hoarding or structure upon or over, which the same is erected, exhibited, fixed or retained to take down or remove such advertisement or may enter any building, land or property and have the advertisement removed, and the costs thereof shall be recoverable in the same manner as property tax.

**Collection of tax on advertisements.**

68. The executive authority may form out of the collection of any tax on advertisement leviable under section 63 for any period not exceeding one year at a time on such terms and conditions as may be determined by the gram panchayat.

**Duty on transfers of property.**

69. (1) The duty on transfers of property shall be levied by the Government,-

**Central Act 2 of 1899.**

(a) in the form of a surcharge on the duty imposed by the Indian Stamp Act, 1899 as in force for the time being in the State, on every instrument of the description specified below, in so far as it relates to the whole or part of immovable property as the case may be, situated in the area under the jurisdiction of a gram panchayat; and

(b) at such rate as may be fixed by the Government not exceeding five per centum on the amount specified below against such instrument:-

| Description of instrument | Amount on which duty shall be levied. |
|---|---|
| (1) | (2) |
| 1.(i) Sale of immovable property. | The amount of value of the consideration for the sale, as setforth in the ins- |

| (1) | (2) |
| --- | --- |
| | trument or the market value of the property which is the subject matter of the sale, whichever is higher. |
| (ii) Exchange of immovable property. | The market value of the property of greater value which is the subject matter of exchange. |
| (iii) Gift of immovable property. | The market value of the property which is the subjuct matter of the gift. |
| (iv) Mortgage with possession of immovable property. | The amount secured by the mortgage as setforth in the instrument. |
| (v) Lease for a term exceeding one hundred years or in perpetuity of immovable property. | An amount equal to one sixth of the whole amount or value of the rents which would be paid or delivered in respect of the first fifty years of the lease, as setforth in the instrument. |

(2) On the introduction of the duty aforesaid-

(a) section 27 of the indian Stamp Act, 1899 shall be read as if it specifically required the particulars to be setforth separately in respect of property situated in the area under the jurisdiction of a gram panchayat and in respect of property situated outside such area; and Central Act 2 of 1899.

(b) section 64 of the same Act shall be read as if it referred to the gram panchayat as well as the Government.

(3) The duty levied under this section shall be apportioned among the gram panchayat, Mandal Parishad and the Zilla Parishad concrned in such manner as may be prescribed.

(4) the Government shall make rules for regulating the collection of the duty and the apportionment thereof among the gram panchayat, Mandal Parishad and Zilla Parishad .concerned and the deduction of any expenses incurred by the Government in the collection thereof.

(5) The Government may by order exempt, subject to such conditions and terms as may be specified therein, any instrument or class of instrument from the levy of duty under this section.

**Vehicle Tax.**

70. The vehicle tax referred to in clause(i) of sub-section(3) of section 60 shall, subject to such rules as may be made in this behalf including rules, relating to the exemptions and restrictions, be levied every year on all vehicles kept or used within the village at such rates as may be fixed by the gram panchayat not being less than the minimum rates and not exceeding the maximum rates prescribed.

Explanation: In this section, "vehicle" means a conveyance suitable for use on roads or rails and includes any kind of carriage, cart, wagon, wheel barrows, truck, bicycle, tricycle and rickshaw, but does not include a motor vehicle as defined in the Motor Vehicles Act, 1988.

**Central Act 59 of 1988.**

**Special tax leviable by a gram panchayat.**

71. Subject to such rules as may be prescribed, a gram panchayat shall levy a special tax on houses at such rates as may be prescribed, to provide for expenses connected with the construction, maintenance, repair, extension and improvement of water or drainage works or the lighting of the public streets and public places, and other similar works.

**Composition of tax payable by owner of a factory or a contiguous group of buildings.**

72. Subject to such conditions and restrictions as may be prescribed, a gram panchayat may, on application by the owner of a factory or a contiguous group of buildings, permit him to compound all or any of the taxes payable by him under this Act, by paying in lieu thereof such lumpsum amount as may be agreed upon between him and the gram panchayat. Where there is no such agreement the matter may be referred to the Government in the manner prescribed and the Government shall, after giving to the gram panchayat and the owner of the factory or a contiguous group of buildings concerned an opportunity of making a representation, decide the lumpsum amount payable by the owner of the factory or a contiguous group of buildings under this section. The decision of the Government in this regard shall be final.

**Power to write off irrecoverable amounts.**

73. Subject to such restrictions and control as may be prescribed, a gram panchayat may write off any tax, fee or other amount whatsoever due to it, whether under a contract or otherwise, or any sum payable in connection therewith, if in its opinion such tax, fee, amount or sum is irrecoverable:

Provided that where the District Collector or any of his subordinates is responsible for the collection of any tax, fee or other amount due to a gram panchayat, the power to write off such tax, fee or amount or any sum payable in connection therewith on the ground of its being irrecoverable, shall be exercised by the Commissioner of Land Revenue or subject to his control by the District Collector or any officer authorised by him.

**Gram Panchayat Fund.**

74. (1) All moneys received by the gram panchayat shall constitute a fund called the 'Gram Panchayat Fund", and shall be applied and disposed of in accordance with the provisions of this Act and other laws:

Provided that the gram panchayat shall credit, subject to such rules as may be prescribed, the proceeds of any tax or fee levied under this Act, to a special fund earmarked for the purpose of financing any specific public improvement. A separate account shall be kept of the receipts into and the expenditure from such special fund.

(2) Subject to the provisions of sub-section (1), the receipts which shall be credited to the gram panchayat fund shall include-

(i) the house-tax and any other tax or any cess or fee, levied under this Act;

(ii) the proceeds of the duty collected under sub-section(4) of section 60;

(iii) the proceeds of the duty on transfers of property levied under section 69 which are paid to the gram panchayat;

Act 14 of 1920.

Act I of 1956.

(iv) in the Andhra area, such share of the land cess levied under section 78 of the Andhra Pradesh (Andhra Area) District Boards Act, 1920 as may be apportioned to the gram panchayat under section 92 of that Act and in the Telangana area, such share of the local cess levied under section 135 of the Andhra Pradesh (Telangana Area) District Boards Act, 1955 as may be apportior-d to the gram panchayat under section 136 of that Act;

Act XX of 1933.

(v) any payment made to the gram panchayat by a market committee in pursuance of sub-section(3) of section 11 of the Andhra Pradesh (Andhra Area) Commercial Crops Markets Act, 1933, or any other law similar thereto for the time being in force;

Act III of 1939.

(vi) the taxes and tolls levied in the village under sections 117 and 118 of the Andhra Pradesh (Andhra Area) Public

Health Act, 1939; or under the corresponding provision of any other law similar thereto for the time being in force in the State;

(vii) any payment made to the gram panchayat by the Government under section 13 of the Andhra Pradesh Entertainments Tax Act, 1939; Act X of 1939.

(viii) the amount contributed by the Mandal Parishad to the Gram Panchayat in respect of markets in the village classified as Mandal Parishad markets or paid by the Mandal Parishads to the gram panchayat towards the latter's share of the income derived from such markets as per the apportionment made under section 112 and the amount paid by a Zilla Parishad or any of the joint committees referred to in section 57 to the gram panchayat towards the latter's share of the income derived from a ferry under the management of the Zilla Parishad or joint committee, as the case may be, as per the apportionment made under the said section;

(ix) fees for the temporary occupation of village sites, roads and other similar public places or parts thereof in the village;

(x) fees levied by the gram panchayat in pursuance of any provision in this Act, or any rule or other made thereunder;

(xi) income from endowments and trusts under the management of the gram panchayat;

(xii) the net assessment on service inams which are resumed by Government after the commencement of this Act;

(xiii) income derived from village fisheries, vested in the gram panchayat including the woods and reeds;

(xiv) income derived from ferries under the management of the gram panchayat;

(xv) unclaimed deposits and other forfeitures;

(xvi) the seigniorage fees collected by the Government every year from persons permitted to quarry in the village for materials including minor minerals other than major minerals;

(xvii) all income derived from porambokes which vest in the gram panchayat or the user of which is regulated by the gram panchayat and also the penalty and penal assessment if any, levied in respect of unauthorised occupation thereof under any law for the time being in force;

(xviii) all income derived from trees standing on porambokes although the user of the porambokes is not vested in the gram panchayat;

(xix) income from leases of Government property obtained by the gram panchayat;

(xx) a sum equivalent to one-tenths of the gross income derived by the Government every year from fines imposed by Magistrates in respect of offences committed in the village under this act, or any rule or bye-law made thereunder or any other provision of law which is prescribed in this behalf;

(xxi) grants received from the Government, the Zilla Parishad or Mandal Parishad;

(xxii) income from investments of amounts taken from the gram panchayat fund;

(xxiii) all other receipts accruing from the sources of gram panchayat revenue specified in this Act; and

(xxiv) all sums other than those enumerated above which arise out of, or are received in aid of, or for expenditure on any institutions or services maintained or financed from the gram panchayat fund or managed by the gram panchayat.

(3) All moneys received by the gram panchayat shall be lodged in the nearest Government treasury.

(4) All orders or cheques against the Gram Panchayat Fund shall be signed by the Executive Officer-cum-Village Development Officer.

**Expenditure, from Gram Panchayat Fund.**

75. (1) The purposes to which the gram panchayat fund may be applied include all objects expressly declared obligatory or discretionary by this Act or any rules made thereunder or by any other laws or rules and the fund shall be applicable thereto within the village subject to such rules or special orders as the Government may prescribe or issue and shall, subject as aforesaid, be applicable to such purposes outside the village if the expenditure is authorised by this Act or specially sanctioned by the Commissioner.

(2) (a) It shall be the duty of every gram panchayat to provide for the payment of-

(i) any amounts falling due on any loans contracted by it;

(ii) the salaries and allowances and the pensions, pensionary contributions and provident fund contributions of its officers and servants;

(iii) sums due under any decree or order of a court;

(iv) contributions, if any, levied by the Mandal Parishad subject to such limits as may be specified by Commissioner; and

(v) any other expenses rendered obligatory by or under this Act or any other law.

(3) A gram panchayat may, with the sanction of the Government, contribute to any fund for the defence of India.

(4) A gram panchayat may, with the sanction of the Commissioner, also-

(i) contribute towards the expenses of any public exhibition, ceremony or entertainment in the village;

(ii) contribute to any charitable fund, or to the funds of any institution for the relief of the poor or the treatment of diseased or infirmity or the reception of diseased or infirm persons or the investigation of the causes of disease;

(iii) contribute to the funds of any institution established for promoting community development or the aims of Panchayat Raj; and

(iv) defray any other extraordinary charges.

**Election expenses to be borne by the Government.**

76. The cost of the preparation and, revision of the electoral roll, the cost of the election expenses, including the conduct of elections to the gram panchayat and the cost of maintenance of election establishment employed in connection therewith, shall be borne by the Government.

**Preparation and sanction of budget.**

77. (1) The executive authority shall in each year frame before the prescribed date and place before the gram panchayat or, the budget showing the probable receipts and expenditure during the following year and the gram panchayat shall, within one month of the date on which the budget is placed before it, sanction the budget with such modifications, if any, as it thinks fit:

Provided that if for any reasons, the budget is not sanctioned by the gram panchayat under this sub-section before the expiration of the period of one month aforesaid, the executive authority shall submit the budget to the Divisional Panchayat Officer, who shall sanction it with such modifications, if any, as he thinks fit.

(2) Where the budget is sanctioned by the gram panchayat it shall be forwarded by the executive authority on or before such date as may be prescribed to the Divisional Panchayat Officer. The Divisional Panchayat Officer shall make such suggestions or modifications as he may deem fit within one month from the date of its receipt and return it to the gram panchayat which shall consider the same and approve the budget with or without modifications, at a special meeting convened for the purpose; and the Budget so approved at such meeting shall be final.

(3) If in the course of a year a gram panchayat finds it necessary to alter figures shown in the budget with regard to its receipts or to the distribution of the amounts to be expended on the different services undertaken by it, a supplemental or revised budget may be framed, sanctioned, submitted and modified in the manner provided in sub-sections (1) and (2).

**Contribution to expenditure by other local authorities.**

78. If the expenditure incurred by the Government or by any other gram panchayat or the Mandal Parishad or Zilla Parishad or by any other local authority in the State for any purpose authorised by or under this Act is such as to benefit the inhabitants of the village, the gram panchayat may, with the sanction of the Commissioner, and shall, if so directed by him, make a contribution towards such expenditure.

Recovery of loans and advances made by the Government.

79 (1) Notwithstanding any thing in the Local Authorities Loans Act, 1914, or any other law similar thereto for the time being in force, the Government may -

Central Act 9 of 1914.

(a) by order direct any person having custody of the gram panchayat fund to pay to them in priority to any other charges against such fund, except charges for the service of authorised loans, any loan or advance made by them to the gram panchayat for any purpose to which its funds may be applied under this Act;

(b) recover any such loan or advance by suit.

(2) The person to whom the order referred to in clause (a) of sub-section (1) is addressed shall be bound to comply with such order.

## CHAPTER V

## PUBLIC SAFETY, CONVENIENCE AND HEALTH

Vesting of water works in gram panchayats.

80 (1) All public water-courses, springs, reservoirs, tanks, cisterns, fountains, wells, stand-pipes and other water works (including those used by the public to such an extent as to give a prescriptive right to their use) whether existing at the commencement of this Act or afterwards made, laid or erected and whether made, laid or erected at the cost of the gram panchayat or otherwise for the use or benefit of the public, and also any adjacent land, not being private property, appertaining thereto shall vest in the gram panchyat and be subject to its control;

Provided that nothing in this sub-section shall apply to any work which is, or is connected with, a work of irrigation or to any adjacent land appertaining to any such work.

(2) Subject to such restrictions and control as may be prescribed, the gram panchayat shall have the fishery rights in any water work vested in it under sub-section (1), the right to supply water from any such work for raising seed beds on payment of the prescribed fee, and the right to use the adjacent land appertaining thereto for planting of trees and enjoying the usufruct thereof or for like purpose.

(3) The Government may, by notification, define or limit such control or may, assume the administration of any public source of water supply and public land adjacent and appertaining thereto after consulting, the gram panchayat and giving due regard to its objections, if any.

**Setting apart of public tanks etc. for certain purposes.**

81. (1) (a) The gram panchayat may, in the interests of public health, regulate or prohibit the washing of animalas or of clothes or other articles or fishing in any public spring, tank or well or in any public water-course or part therof and may set apart any such place for drinking or for bathing or for washing animals or clothes or for any other specified purpose.

(b) The powers conferred by clause (a) may, in the case of any private spring , tank, well, or water course, be exercised by the gram panchayat, with the consent of the owner of such place.

(c) The gram panchayat may, in the interests of public health, regulate or porhibit the washing of animils or of clothes or of other articles, in any private spring, tank, well or water-course from which the public have a right to take water for drinking purposes.

(2) The executive authority on receipt of a certificate from any health or medical officer in the service of the Government, the gram panchayat or the Mandal Parishad or Zilla Parishad stating that the water in any well, tank, spring or other sources of water-supply to which the publc have access in the village, is likely to endanger or cause the spread of any dangerous disease, shall, by public notice, prohibit the use of such water, such notice shall be served by affxing a copy of it near the source of water-supply and by beat of drum stating the number of days during which such prohibition shall last. The executive authotiry may modify the notice or extend the period of operation therof without the production of a further certificate.

**Prohibition against using places so set apart for purposes other than those notified.**

82. No person shall -

(a) bathe in or defile, the water in any place set apart for drinking or cooking purposes either by a gram panchayat or in the case of private property, by the owner threof; or

(b) deposit any offensive or deleterious matter in the bed of any place set apart as aforesaid when such bed is dry; or

(c) wash clothing in any place set apart as aforesaid; or

(d) wash any animal or any cooking utensil or wool, skins, or other foul or offensive substance or deposit any offensive or deleterious matter in any other place set apart as aforesaid or set apart for bathing or for washing clothes; or

— (e) allow the water from a sink, sewer, drain engine or boiler, or any other offensive matter belonging to him or flowing from any building or land belonging to or occupied by him, to pass into any place set apart as aforesaid or set apart for bathing or for washing clothes.

**Contribution from persons having control over places of pilgrimage etc.**

83. Where a mosque, temple, mutt or any place of religious worship or instruction or any place which is used for holding fairs, or festivals or for other like purposes, is situated within the limits of a village or in the neighbourhood thereof and attracts either throughout the year or on particular occasions a large number of persons, any special arrangements necessary for public health, safety or convenience, whether permanent or temporary, shall be made by the gram panchayat but the Government may, after consulting the trustee or other person having control over such place, require him to make such recurring or non-recurring contribution to the funds of the gram panchayat as they may determine.

**Cleaning of private latrines.**

84. The executive authority of a gram panchayat may contract with the owner or occupier of any premises to remove rubbish or filth or any particular kind of rubbish or filth, from such premises or any place belonging thereto, on such terms as to times and periods of removal and other matters as may deem fit and suitable to the executive authority and on payment of fees at such rate calculated to cover the cost of the service as the gram panchayat may fix.

**Registration of burial and burning grounds.**

85. (1) Every owner or person having the control of any place used at the commencement of this Act as a place for burying, burning or otherwise disposing of the dead, shall, if such place be not already registered under any law applicable thereto, apply to the gram panchayat to have such place registered under this Act.

(2) If it appears to such gram panchayat that there is no owner or person having the control of such place, the gram panchayat shall assume such control and register such place or may close it.

**Licensing of places for disposal of the dead.**

86. (1) No new place for the disposal of the dead whether private or public, shall be opened, formed, constructed or used, unless a licence is obtained, from the gram panchyat on application.

(2) Such application for a licence shall be accompanied by a plan of the place to be licensed showing the locality, boundary and extent thereof the name of the owner or person or community interested therin, the system of management and such further particulars as the gram panchayat may require.

(3) The gram panchayat to which an application is made, may, in consultation with the District Health Officer -

(a) grant or refuse a licence, or

(b) postpone the grant of licence, until objections, if any, to the site, considered reasonable by the gram panchayat have been removed or any particulars called for by it have been furnished.

(4) The District Collector may cancel or modify any order passed by gram panchayat under sub-section (3).

**Provision of burning and burial grounds.**

87. A gram panchayat may, and shall, if no sufficient provision exists, provide at the cost of the gram panchayat fund, places to be used as burial or burning grounds or crematoria, and may charge rents and fees for the use thereof.

88. (1) A book shall be kept at the office of every gram panchayat in which the places registered, licensed or provided under section 85, section 86, section 87 and all such places registered, licensed or provided before the commencement of this Act shall be recorded.

A book to be kept of places registered, licensed or provided.

(2) A notice in English and in the chief language of the village that such place has been registered, licensed or provided as aforesaid, shall be affixed at or near the entrance to such place conspicuously.

89. No person shall bury, burn or otherwise dispose of or cause of suffer to be buried, burnt or otherwise disposed of, any corpse in any place within two hundred metres of a dwelling place or any source of drinking water supply other than a place registered, licensed or provided as aforesaid.

**Prohibiton against burying or burning in unauthorised places.**

90. The person having control of a place for disposing of the dead shall give information of every burial, burning or other disposal, of a corpse at such place to any person appointed by the gram panchayat.

**Notices to be given to gram panchayat of burials etc.**

91. (1) If a gram panchayat is satisfied,-

**Prohibition against use of burial and burning grounds dangerous to health or overcrowded with graves.**

(a) that any registered or licensed place for the disposal of the dead is in such a state or a situation as to be or to be likely to become, dangerous to the health of persons living in the neighbourhood thereof; or

(b) that any burial ground is overcrowded with graves, and if in the case of a public burial or burning ground or other place as aforesaid, another convenient place duly authorised for the disposal of the dead exists or has been provided for the persons who would ordinarily make use of such place, it may, with the approval of Commissioner, give notice that it shall not be lawful, after a period of not less than two months to be specified in such notice, to bury, burn or otherwise dispose of, any corpse at such place.

(2) Every notice given under sub-section (1) shall be published by affixture to the notice board in the office of the gram panchayat and in the village by beat of drum.

(3) No person shall, in contravention of any notice under this section and after the expiration of the period specified such notice, bury, burn or otherwise dispose of, or cuase or permit to be buried, burnt or otherwise disposed of, any corpse at such place.

**Power to destroy stray pigs or dogs.**

92. (1) A gram panchayat may, and if so required by the District Magistrate, shall, give public notice that unlicensed pigs or dogs, straying within the specified limits will be destroyed.

(2) When such notice is given, any person may destroy, in any manner not inconsistent with the terms of the notice, any unlicensed pig or dog, as the case may be, found straying within such limits.

93. No owner or occupier of any premises shall allow the water from any sink, drain, latrine, or stable or any other filth, to flow out of such premises to any portion of a public road except a drain or cesspool or to flow out of such premises in such a manner as to cause nuisance by the soakage of the said water or filth into the walls or ground at the side of a drain forming a portion of such public road. Prohibition against allowing outflow of filth.

94. (1) If it appears necessary to improve the sanitary conditions of any area within the village, the executive authority may, by written notice, require owner or occupier of any of the lands, and houses in area, within a reasonable period to be specified in the notice,- Power as to sanitation and conservancy.

(a) to remove a hut or privy either wholly or in part;

(b) to construct in a building, private drains therefor or to alter or to remove, any private drain thereof;

(c) to cause any land or building to be cleansed to the satisfaction of the executive authority;

(d) where any land or building contains a well, pool, ditch, pond, tank, or any drain, filth or stagnant water which is injurious to health or offensive to the neighbourhood or is otherwise a source of nuisance, to cause the same to be filled up, cleansed or deepened or to cause the water to be removed therefrom or drained off or to take such other action as may be deemed necessary by the executive authority;

(e) to cause any land overgrown with vegetation, under growth, prickly-pear, or jungle which is in any manner injurious to health or dangerous to the public or offensive to the neighbourhood or an impediment to efficient ventilation, to be cleared of the vegetation, undergrowth, prickly pear or jungle;

(f) to convert any step well into a draw-well:

Provided that the executive authority shall hear and decide objections, if any raised by the person on whom a notice is so served.

(2) If any work required under sub-section(1) is not executed within the period specified in the notice the executive authority may himself cause such work to be carried out, and may recover the cost of such work or part thereof from the owner or occupier referred to in sub-section (1) in the manner hereinafter provided.

**Prohibition against working of quarry near public roads.**

95. (1) No person shall work a quarry in, or remove stones, earth or other material from, any place within twenty metres of a public road or of other immovable property vesting in or belonging to the gram panchayat under a licence issued by a gram panchayat. The gram panchayat may either grant or refuse to grant a licence and in the later case the reasons for refusal shall be communicated to the person concerned.

(2) If, in the opinion of the gram panchayat, the working of any quarry or the removal of stone, earth or other meterial from any place is dangerous to any person residing in, or having legal access to, the neighbourhood thereof or creates or is likely to create a nuisance, the gram panchayat may require the owner or person having control of the said quarry

or place to discontinue working the same or to discontinue removing stone, earth, or other material form such place or to take such action in respect of such quarry or place as it shall deem necessary for the purpose of preventing danger or of abating the nuisance arising or likely to arise therefrom.

**Prohibition against destruction in or over public roads.**

96. No person shall build any wall or erect any fence or other obstruction or projection or make any encroachment in or over any public road except as hereinafter provided.

**Prohibition against and regulation of door, gate, bar or ground floor window opening outwards.**

97. (1) No door, gate, bar or ground floor window shall, without a licence from the executive authority, be hung or placed so as to open outwards upon any public road vested in the gram panchayat.

(2) The executive authority may, by notice, require the owner of such door, gate, bar or ground floor window to alter it, so that no part thereof when open shall project over the public road.

**Removal of encroachments.**

98. (1) The executive authority may, by notice, require the owner or occupier of any building to remove or alter any projection, encroachment or obstruction, other than a door, gate, bar or ground floor window, situated against or in front of such building and in or over any public road vested in such gram panchayat.

(2) If the owner or occupier of the building proves that any such projection, encroachment or obstruction has existed for a period sufficient under the law of limitation to give any person a prescriptive title thereto or that it was erected or made with the permission or licence of any local authority duly empowered in that behalf, and that the period, if any, for which the permission or licence is valid

has not expired, the gram panchayat shall make reasonable compensation to every person who suffers damages by the removal or alteration of the same.

**Power to allow certain projections and erections.**

99 (1) The executive authority may, with the approval of the gram panchayat, grant a licence, subject to such conditions and restrictions as he may think fit to the owner or occupier of any building to put up varandahs, balconies, sunshades, weather frames and the like, to project over a public road vested in such gram panchayat; or to construct any step or drain covering necessary for access to the building.

(2) The executive authority may grant a licence, subject to such conditons and restrictions as he may think fit for the temporary erection of pandal and other structures in a public road vested in such gram panchayat; or in any other public place the control of which is vested in such gram panchayat.

(3) The executive authority shall have power with the approval of the gram panchayat, to lease the roadsides vested in such gram panchayat for occupation on such terms and conditons and for such period as the gram panchayat may fix.

(4) But neither a licence under sub-section (1) nor a lease under sub-section (3) shall be granted if the projection, construction or occupation, as the case may be, is likely to be injurious to health or cause public inconvenience or otherwise materially interfere with the use of the road as such.

(5) The Government may, by notification, restrict and place under such control as they may think fit the exercise, by any gram panchayat of the powers under sub-sections (1) and (3).

(6) On the expiry of any period for which a licence has been granted under this section, the executive authority may without notice, cause any projection or construction put up under sub-section (2) to be removed, and the cost of so doing shall be recoverable, in the manner hereinafter provided from the person to whom the licence was granted.

**Prohibition of building on sewer, drain etc., without permission.**

100. (1) No building shall be erected without the written permission of the executive authority or any person authorised by such executive authority, over any sewer or drain or any part of sewer or drain or upon any ground which has been covered, raised or levelled wholly or in part by road sweepings or other rubbish.

(2) The executive authority or the person authorised by him as aforesaid may, by notice, require any person who has erected a building without such permission or in a manner contrary to or inconsistent with the terms of such permission, to demolish the same.

**Prohibition against making holes and causing obstruction in public roads.**

101. (1) No person shall make a hole or cause any obstruction in any public road vested in a gram panchayat except with the previous permission of the executive authority and subject to such conditions as the executive authority may impose.

(2) When such permission is granted such person shall, at his own expense, cause such hole or obstruction to be sufficiently fenced and enclosed until the hole or obstruction to be sufficiently lighted during the night.

(3) If any person contravenes the provisions of this section, the executive authority shall fill up the hole or remove the obstruction or cause the hole or obstruction to be lighted, as the case may be, and may recover the cost of so doing from such person.

**Prohibition against planting or felling trees on public roads etc. without permission.**

102. (1) No person shall plant any tree on any public road or other property vesting in or belonging to a gram panchayat, except with the previous permission of the executive authority and on such conditions as the executive authority may impose.

(2) No person shall fell, remove, destroy lop or strip bark, leaves or fruits from, or otherwise damage any tree vesting in or belonging to a gram panchayat and growing on any such public road or property, except with the previous permission or order of the executive authority and on such conditions as the executive authority may impose.

**Recovery of penalty and compensation for unauthorised occupation of land.**

103. (1) If any person, without the previous sanction of the gram panchayat, occupies any land which is set apart for any public purpose and is vested in or belongs to it, he shall be bound to pay in respect of such occupation such sum as may be demanded by the gram panchayat by way of penalty; and any such sum may be recovered in the manner hereinafter provided.

(2) The executive authority may, by notice require any person on whom a penalty is or may be imposed under sub-section (1) to vacate such land and to remove any building or other construction or anything deposited on it.

(3) If any damage to the property of the gram panchayat has been caused by any person occupying any land for which he is liable to pay penalty under sub-section (1), he shall be liable to pay compensation to the gram panchayat for such damage in addition to and irrespective of any penalty that may be imposed on or recovered from him, and the amount of such compensation, shall in case of dispute be determined and recovered in the manner hereinafter provided.

104. (1) The gram panchayat may provide places for use as public markets and, with the sanction of the Commissioner, close any such market or part thereof. **Public markets.**

(2) Subject to such rules as may be prescribed the gram panchayat may levy one or more of the following fees in any public market at such rates, not exceeding the maximum rates, if any perscribed in this behalf, as the gram panchayat may think fit-

(a) fees for the use of, or for the right to expose goods for sale in, such market;

(b) fees for the use of shops, stalls, pens or stands in such markets;

(c) fees on vehicles including motor vehicles as defined in the Motor Vehicles Act, 1988 or pack-animals bringing or persons carrying, any goods for sale in such markets; **Central Act 59 of 1988.**

(d) fees on animals brought for sale into or sold in such markets;

(e) licence fees on brokers, commission agents, weighmen and measures practising their calling in such market.

105. (1) No person shall open a new private market or continue to keep open a private market unless he obtains from the gram panchayat a licence to do so. **Licence for private markets.**

(2) Application for such licence shall be made by the owner of the place in respect of which the licence is sought not less than thirty and not more than ninety days before such place is opened as a market, or the commencement of the year for which the licence is sought to be renewed, as the case may be.

(3) The gram panchayat shall, as regards private markets already lawfully established and may, as regards new private markets, grant the licence applied for, subject to such regulations as to supervision and inspection and to such conditions as to sanitation, drainage, watersupply, width of paths and ways, weights and measures to be used, and rents and fees to be charged in such market, as the gram panchayat may think proper; or the gram panchayat may, for reasons to be recorded in writing, refuse to grant any such licence for any new private market. The gram panchayat may, however, at any time for breach of any condition of the licence suspend or cancel the licence granted under this section. The gram panchayat may also modify any of the conditions of the licence to take effect from a specified date.

(4) When a licence is granted, refused, suspended, cancelled or modified under this section, the gram panchayat shall cause a notice of such grant, refusal, suspension, cancellation or modification in the chief language of the village to be pasted conspicuously at or near the entrance to the place in respect of which the licence was sought or had been obtained.

(5) Every licence granted under this section shall expire at the end of the year.

(6) Any person aggrieved by an order of the gram panchayat under sub-section (3) may appeal against such order to the Commissioner who may, if he thinks fit, suspend the execution of the order, pending the disposal of the appeal.

106. When a licence granted under section 104 permits the levy of any fees of the nature specified in sub-section (2) of section 104 a fee not exceeding fifteen per centum of the gross income of the onwer from the market in the preceding year, shall be charged by the gram panchayat for such licence.

**Fee for licence.**

107. The executive authority may expel from any public market any person who or whose servant has been convicted of disobeying any bye-laws for the time being in force in such market, and may prevent such persons from further carrying on by himself or his servants or agents, any trade or business in such market, or occupying any shop, stall or other place therein and may determine any lease or tenure which such person may possess in any shop, stall or place.

**Power exercisable by executive authority in respect of public markets.**

108. The gram panchayat may by notice, require the owner, occupier, or farmer of any private market to;-

**Powers exercisable by gram panchayat in respect of private markets.**

(a) construct approaches, entrances, passages, gates, drains and cess-pits for such market and provide it with latrines of such description and in such position and number as the gram panchayat may think fit;

(b) roof and pave the whole or any portion of it or pave any portion of the floor with such material as will in the opinion of the gram panchayat secure imperviousness and ready cleansing;

(c) ventilate it properly and provide it with an adequate supply of water;

(d) provide passages of sufficient width between the stalls and make such alterations in the stalls, passages, shops, doors or other parts of the market as the gram panchayat may direct;

(e) keep it in a cleanly and proper state, remove all filth and refuse therefrom

and dispose of them at such place and in such manner as the gram panchayat may direct; and

(f) make such other sanitary arrangements as the gram panchayat may consider necessary.

(2) If any person, after notice given to him in that behalf by the gram panchayat , fails within the period and in the manner laid down in the said notice, to carry out any of the works specified in sub-section (1), the gram panchayat may suspend the licence of the said person, or may refuse to grant him a licence until such work is completed.

(3) It shall not be lawful for any person to keep open any private market during such suspension or until the licence is renewed.

(4) No owner, occupier, agent or manager incharge of any private market, or of any shop, stall, shed or other place therein, shall keep the same so that it is a nuisance, or fail to cause anything that is a nuisance in such market, shop, stall, shed or other place to be at once removed to a place to be specified by the gram panchayat.

**Decisions of disputes as to whether places are market.**

109. If any question arises as to whether any place is a market or not, the gram panchayat shall make a reference thereon to the Government and their decision shall be final.

**Prohibition of sale in unlicensed private market etc.,**

110. No person shall sell or expose for sale any animal or article.-

(a) in any unlicensed private market, or

(b) in any public or licensed private market without the permission of the executive authority or licensee, as the case may be, or of any person authorised by him.

**Prohibition against sale in or upon public roads.**

111. The executive authority may, with the sanction of the gram panchayat, prohibit by public notice or licence or regulate, the sale or exposure for sale of any animals or articles in or upon any public road or place or part thereof.

**Classification of markets.**

112. (1) The Government shall have power to classify public and private markets situated in a village as Mandal Parishad markets and gram panchayat markets and provide for the control of any such market and for the apportionment of the income derived therefrom between the Zilla Parishad, Mandal Parishad and the gram panchayat or the payment of a contribution in respect thereof to the gram panchayat or the Zilla Parishad or Mandal Parishad as the case may be

(2) In the cse of markets classified as Mandal Parishad markets, the gram panchayat, and its executive authority shall not exercise any of the powers conferred on them by sections 104 to 111 or both inclusive.

**Vesting of places used as markets situated in estates taken over by the Government.**

113. With effect on and from the date of deposit of final compensation under sub-section (1) of section 41 of the Andhra Pradesh (Andhra Area) Estates (Abolition and Convertion into Ryotwari) Act, 1948, in respect of any estates any place used as a market in such estates, which was vested in the Government under the provisions of the said Act, shall stand transferred to, and vest in, the gram panchayat in whose limits such place is

**Act XXIV of 1948.**

situated and, thereupon, the gram panchayat shall provide such place for use as a public market.

**Classification of public roads, fairs and festivals etc.,**

114. The classification of public roads, fairs, and festivals, choultries, dispensaries and libraries in any gram panchayat area as appertaining to the Zilla Parishad Mandal Parishad or the gram panchayat shall be made by the Commissioner in such manner as may be prescribed.

**Public landing places, cart-stands etc.,**

115. Subject to such rules as may be prescribed the gram panchayat may:-

(a) provide public landing places, halting places, and cart stands (which last expression includes stands for animals and vehicles of any description including motor vehicles) and levy fees for their use.

Provided that it shall be open to the gram panchayat to permit any person to compound such fees by paying in lieu thereof such lumpsum amount as may be fixed by the gram panchayat.

(b) where any such place or stand has been provided prohibit the use for the same purpose by any person within such distance thereof, of any public places or the sides of any public road, as the gram panchayat may, subject to the control of the Commissioner specify.

**Private cart-stands.**

116. (1) No person shall open a new private cart-stand and or continue to keep open a private cart-stand unless he obtains from the gram panchayat a licence to do so. Such licence shall be renewed every year.

(2) The Gram panchayat shall as regards private cart-stands already lawfully established, and may, at its discretion, as regards new private cart-stands, grant

the licence applied for subject to such conditions as the gram panchayat may think fit as to supervision and inspection, conservancy and such other matters as may be prescribed, or the gram panchayat may refuse to grant such licence, for any new cart-stand.

(3) The gram panchayat may modify conditions of the licence to take effect from a specified date.

(4) The gram panchayat may at any time suspend or cancel any licence granted under sub-section (2) for breach of the conditions thereof.

(5) The gram panchayat may levy on every grant or renewal of a licence under this section, a fee not exceeding two hundred rupees.

**Public slaughter-houses.**

117. Subject to such rules as may be prescribed, every gram panchayat may provide places for use as public slaughter-houses and charge rents and fees for their use.

**Prohibition or regulation of the use of places for slaughtering animals and licensing of slaughterers.**

118. The Government shall have power to make rules for,-

(a) prohibiting or regulating the slaughter, cutting up or skinning of animals specified in the rules, on all occassions not excepted therein, at places other than public slaughter-houses;

(b) licensing persons to slaughter animals specified in the rules for purposes of sale to the public; and

(c) the inspection of slaughter-houses and of the meat therein and the payment of remuneration to the officers employed for such inspection.

**Purposes for which places may not be used without licence.**

119. The gram panchayat may notify in the prescribed manner, that no place within the limits of the village shall be used for any one or more of the purposes specified in the rules made in this behalf without a licence issued by the executive authority in the prescribed manner and except in accordance with the conditions specified in such licence:

Provided that no such notification shall take effect until the expiry of a period of sixty days from the date of publication.

**Applications to be made for construction, establishment, or installation of factory, workshop or work-place in which steam or other power is to be employed.**

120. (1) Every person intending,-

(a) to construct or establish any factory workshop or work-place in which it is proposed to employ-steam power, water power or other mechanical power or electrical power; or

(b) to install in any premises any machinery or manufacturing plant driven by steam, water or other power as aforesaid, not being machinery or manufacturing plant exempted by rules made in this behalf, shall, before beginning such construction, establishment or installation, obtain the permission of the gram panchayat in the prescribed manner for undertaking the intended work.

(2) The application to be made under sub-section (1) shall conform to such rules and shall be processed in such manner and in consultation and approval of such authorities and subject to such conditions as may be prescribed.

**Construction of building.**

121. No piece of land shall be used as a site for the construction of a building and no building shall be constructed or reconstructed and no addition or alteration shall be made to an existing building without the permission of the gram panchayat granted in accordance with the provisions of any rules or bye-laws made under this Act, relating to the use of building sites or the construction or reconstruction of buildings:

Provided that the Government may, in respect or all gram panchayats or with the consent or the gram panchayat, in respect of any particular gram panchayat or portion thereof, exèmpt all buildings or any class of buildings from all or any of the provisions of any rules or bye-laws made under this Act.

**Power of gram panchayat to issue directions for abatement of nuisance caused by steam or other power.**

122. (1) If in any factory, workshop or work-place in which steam power, water power or other mechanical power or electrical power is used, nuisance is caused by reason of the particular kind of fuel employed or by reason of the noise or vibration created, the gram panchayat may issue such directions as it thinks fit for the abatement of nuisance within a reasonable time to be specified for the purpose.

(2) If there has been wilful default in carrying out such directions or if abatement is found impracticable, the gram panchayat may,—

(a) prohibit the use of the particular kind of fuel employed, or

(b) restrict the noise or vibration by prohibiting the working of the factory, workshop or work-place between the hours of 9.30 p.m. and 5.30 a.m.

**Form of licences, notices, permissions.**

123. All licences, notices, permissions, given issued or granted, as the case may be, under the provisions of this Act, shall be in accordance with such rules as may be made in this behalf.

**Power of Government to pass order or give directions.**

124. The Government may, either generally or in any particular case, make such order or give such directions as they may deem fit, in respect of any action taken or omitted to be taken under section 119, section 120 or section 122.

125. Notwithstanding in the Andhra Pradesh (Andhra Area) Places of Public

**Modification of the Andhra Pradesh (Andhra Area) Places of Public Resort Act, 1888.**

Resort Act, 1888 or any other Act similar thereto for the time being in force in the State, when the Government extend that Act to any village or part thereof,-

(a) the authority to whom application shall be made for a licence under that Act in respect of any place or building to be used exclusively for purposes other than the holding of cinematograph exhibitions and who may grant or refuse such licence shall be the executive authority, and

(b) the appeal from the order of the executive authority granting, refusing, revoking or suspending a licence under that Act shall lie to the gram panchayat.

## CHAPTER VI

## GENERAL AND MISCELLANEOUS (GRAM PANCHAYATS)

**Power to name streets and number buildings.**

126.(1) The gram panchayat may, in the manner prescribed, cause a name to be given to any street and shall cause a number to be affixed to the side or outer door of any building or to some place at the entrance of such building and in a like manner, may, from time to time, cause such name or number to be altered.

(2) No person shall, without lawful authority, destroy, pull down, or deface any such name or number or any number assigned to any building in any such area.

(3) When a number has been affixed, the owner of the building shall be bound to maintain such number and to replace it if removed or defaced, and if he fails to do so, the prescribed authority may, by notice require him to replace it.

**General provisions regarding licences and permissions.**

127. (1) Every licence and permission granted under this Act or any rule or bye-law made under this Act shall specify the period, if any, for which, and the restrictions limitations and conditions

subject to which the same is granted and shall be signed by the executive authority or by some person duly authorised by him in this behalf.

(2) Save as otherwise expressly provided in or may be prescribed under this Act, for every such licence or permission fees may be charged on such units and at such rates as may be fixed by the gram panchayat:

Provided that a person who is a barber, washerman, medari or kummara or other village artisan by profession shall not be liable to pay any fees in relation to the licence granted to him for the use of any place in the gram panchayat for exercising his profession or transacting his business as such.

(3) Every order of the authority competent under this Act or any rule or bye-law made thereunder to pass an order refusing, suspending, cancelling or modifying a licence or permission shall be in writing and shall state the grounds on which it proceeds:

Provided that every application for a licence or permission under this Act shall be disposed of within fifteen days from the date of receipt thereof or from the date of receipt of approvals or completion of other formalities prescribed failing which it shall be deemed that licence or permission is granted.

(4) Subject to the special provisions regarding private markets, any licence or permission granted under this Act or any rule or bye-law made thereunder it may, at any time, after giving the persons concerned an opportunity of making a representation be suspended or revoked by the executive

authority if any of the restrictions, limitations or conditions laid down in respect thereof is evaded or infringed by the grantee, or if the grantee is convicted of a breach of any of the provisions of this Act, or of any rule, bye-law or regulation made under it, in any matter to which such licence or permission relates or if the grantee has obtained the same by misrepresentation or fraud.

(5) It shall be the duty of the executive authority to inspect places in respect of which a licence or permission is required by or under this Act, and he may enter any such place between sunrise and sunset, and also between sunset and sunrise if it is open to the public or any industry is being carried on in it at that time; and if he has reason to believe that anything is being done in any place without a licence or permission where the same is required by or under this Act, or otherwise than in conformity with the same, he may at any time by day or night without notice enter such place for the purpose of satisfying himself whether any provision of law, rules, bye-laws or regulations, any condition of a licence or permission or any lawful direction or prohibition is being contravened; and no claim shall lie against any person for any damage or inconvenience necessarily caused by the exercise of powers under this sub-section by the executive authority or any person to whom he has lawfully delegated his powers; or by the use of any force necessary for effecting an entrance under this sub-section.

(6) When any licence or permission is suspended or revoked or when the period for which it was granted, or within which application for renewal should be made has expired, whichever expires later, the grantee shall for all purposes of this Act, or any rule or bye-law made under this Act, be deemed to be without a licence

or permission, until the order suspending or revoking the licence or permission is cancelled or subject to sub-section (11) until the licence or permission is renewed as the case may be.

(7) The grantee of every licence or permission shall, at all reasonable times, while such licence or permission remains in fore, produce the same at the request of the executive authority.

(8) Whenever any person is convicted of an offence in respect of the failure to obtain a licence or permission or to make a registration as required by the provisions of this Act or any rule or bye-law made thereunder, the Magistrate shall, in addition to any fine which may be imposed, recover summarily and pay over to the gram panchayat the amount of the fee chargeable for the licence or permission or for registration and may, in his discretion, also recover summarily and pay over to the gram panchayat such amount, if any, as he may fix, as the costs of the prosecution.

(9) Save as otherwise expressly provided in or may by prescribed under this Act, every application for a licence or permission or for registration under this Act or any rule, bye-law or regulation made thereunder or for renewal thereof, shall be made not less than thirty and not more than ninety days before the commencement of the period or such less period as is mentioned in the application.

(10) Recovery of the fee under sub-section (8) shall not entitle the person convicted to a licence or permission or to registration as aforesaid.

(11) The acceptance by or on behalf of a gram panchayat of the pre-payment of the fee for a licence or permission or for registration shall not entitle the person making such pre-payment to the licence or permission or of registration, as the case may be but only to refund of the fee in case of refusal of the licence or permission or of registration, but an applicant for the renewal of a licence or permission or registration shall, until communication of orders on his application, be entitled to act as if the licence or permission or registration had been renewed and save as otherwise specially provided in this Act, if orders on an application for licence or permission or for registration are not communicated to the applicant within thirty days or such longer period as may be prescribed in any class of cases after the receipt of the application by the executive authority, the application shall be deemed to have been allowed for the period if any, for which it would have been ordinarily allowed and subject to the law, rules bye-laws and regulations and all conditions ordinarily imposed.

**Appeal from the order of executive authority.**

128. (1) An appeal shall lie to the gram panchayat from,-

(a) any order of the executive authority granting, refusing, suspending or revoking a licence or permission;

(b) any other order of the executive authority that may be made appealable by rules made under section 268.

(2) A second appeal shall lie from the decision of the gram panchayat passed in an appeal under sub-section(1) to such authority as may be prescribed whose decision thereon shall be final.

**Limitation of time for appeal.**

129. In any case in which no time is fixed by the foregoing provisions of this Act for the presentation of an appeal

allowed thereunder, such appeal shall, subject to the provisions of section 5 of the Indian Limitation Act, 1963 be presented within thirty days after the date of receipt of the order from which the appeal is preferred.

**Central Act 36 of 1963.**

**Government and Market Committees not to obtain licences and permissions.**

130. Nothing in this Act or in any rule, bye-law or regulation made thereunder shall be construed as requiring the taking out of any licence or the obtaining of any permission under this Act or any such rule, bye-law or regulation in respect of any place in the occupation or under the control of the State or Central Government or of a Mandal Parishad or Zilla Parishad or of a Market committee constituted under the Andhra Pradesh (Agricultural Produce and Livestock) Markets Act, 1966 or in respect of any property of the State or Central Government or of any property belonging to such Mandal Parishad or Zilla Parishad or Market Committee.

**Act 16 of 1966.**

**Time for complying with notice, order etc., and power to enforce in default.**

131. (1) Whenever by any notice, requisition or order under this Act, or under any rule, bye-law or regulation made thereunder, any person is required to execute any work or to take any measures or to do anything, a reasonable time shall be named in such notice, requisition or order within which the work shall be executed, the measures taken or the thing done.

(2) If such notice, requisition or order is not complied with within the time so named-

(a) The executive authority may cause such work to be executed or may take any measures or do anything which may in his opinion be necessary for giving due effect to the notice, requisition or order and all expenses thereby incurred by the gram panchayat shall be paid by the person or persons upon whom a notice was served and shall be recoverable in the manner hereinafter provided; and further

(b) if no penalty has been specially provided, in this Act for failure to comply with such notice, requisition or order the said person shall be punishable with fine not exceeding fifty rupees for every such offence.

**Powers of entry and inspection.**

132. (1) Subject to such restrictions and conditions as may be prescribed the executive authority or any person authorised by him may, between sunrise and sunset on any day enter any place building or land with or without notice and with or without assistants or workmen in order to make an inquiry, inspection, test, examination, survey, measurement or valuation or to execute any other work which is authorised by the provisions of the Act or of any rule, bye-law, regulation or order made under it or which it is necessary to make or execute for any of the purposes of this Act or in pursuance of any of the said provisions.

(2) No claim shall lie against any person for any damage or inconvenience necessarily caused by the exercise of powers under sub-section (1) or the use of any force necessary for effecting an entrance under that sub-section.

**Testing of weights and measures.**

**Central Act 45 of 1860.**

133. The executive authority or any person authorised by him may examine and test the weights and measures used in the markets and shops in the village with a view to the prevention and punishment of offences relating to such weights and measures under chapter XIII of the Indian Penal Code.

**Power to call for information from Village Development Officer.**

134. (1) The executive authority may, by an order in writing require the Village Development Officer having jurisdiction over the gram panchayat to furnish him information on any matter falling within such categories as may be prescribed in respect of villages within his jurisdiction

or any part thereof or any person or property therein and such Village Development Officer shall comply with such order.

(2) The order shall specify the period within which it may be complied with but the executive authority may, from time to time, extend such period.

Limitation for recovery of dues.

135. No distraint shall be made, no suit shall be instituted and no prosecution shall be commenced in respect of any tax or other amount due to a gram panchayat under this Act or any rule, bye-law, regulation or order made under it after the expiration of a period of three years from the date on which distraint might first have been made, a suit might first have been instituted, or prosecution might first have been commenced as the case may be in respect of such tax or amount.

Persons empowered to prosecute.

136. Save as otherwise expressly provided in this Act, no person shall be tried for any offence against this Act or any rule or bye-law made thereunder, unless complaint is made within twelve months of the commission of the offence by the police the executive authority or person expressly authorised in this behalf by the gram panchayat or executive authority:

Provided that failure to take out a licence, obtain permission or secure registration under this Act, shall, for the purposes of this section be deemed a continuing offence until the expiration of the period if any, for which the licence, permission or registration is required and if no period is specified, complaint may be made at any time within twelve months from the commencement of the offence.

**Power to compound offences.**

137. (1) The executive authority may, subject to such restrictions and control, as may be prescribed compound for a sum not exceeding rupees five hundred, any offence against the provisions of this Act or any rule or byelaw made thereunder, which may by rules, be declared compoundable.

(2) On payment of the amount by way of composition no further proceedings shall be taken or continued against the defaulter in regard to the offence or alleged offence so compounded.

(3) Nothing in this section shall apply to election offences.

**Prosecutions and compositions to be reported to gram panchayat.**

138. Every prosecution instituted or offence compounded by the executive authority shall be reported by him to the gram panchayat at its next meeting.

**Assistance of police to the gram panchayat.**

139. Every Police Officer in whose jurisdiction the village is situated, shall be bound to assist the gram panchayat and its officers and servants in the exercise of their lawful authority.

**Wrongful restraint of executive authority or his delegates.**

**Central Act 45 of 1860.**

140. Any person who prevents the executive authority or any person to whom the executive authority has lawfully delegated his powers of entering on or into any place, building or land, from exercising his lawful power of entering thereon or thereinto shall be deemed to have committed an offence under section 344 of Indian Penal Code.

**Punishment for obstructing gram panchayat.**

141. Whoever obstructs a gram panchayat or the Sarpanch, the executive authority or a member of the gram panchayat or any person employed by the gram panchayat or any person with whom it has contracted in the performance of its duty under the provisions of this Act or of any rule made thereunder, or prevents or tries to prevent any person from doing anything which he is

empowered or required to do, by virtue of this Act, or removes any mark set up for the purpose of indicating any level or direction incidental to the carrying out of any work authorised by this Act, or removes, destroys, or defaces or otherwise obliterates any notice put up or exhibited by the gram panchayat or under its authority, shall be liable on conviction to a fine not exceeding fifty rupees.

**Penalty for not giving information or giving false information.**

142. Any person required by this Act or by any notice or other proceedings issued therunder to furnish any information, who omits to furnish such information or knowingly furnishes false information shall be punishable with fine not exceeding ten rupees.

SUPPLEMENTAL PROVISIONS

**Special privisions i the case of new gram panchayats.**

143. (1) Notwithstanding anything in this Act, when a local area is notified as a village under section 3, for the first time, the Commissioner shall appoint a special officer to exercise the powers and perform the functions of the gram panchayat and its Sarpanch and executive authority until the members and Sarpanch thereof who are duly elected assume office.

(2) The special officer shall cause arrangements for the election of the member of the gram panchayat to be made before such date as may be fixed by the Commissioner in this behalf:

Provided that the Commissioner may, from time to time, postpone the date so fixed, if for any reason, the elections can not be completed before such date.

**Public roads, markets, wells, tanks etc., to be open to all.**

144. All roads, markets, wells, tanks, reservoirs and water ways vested in or maintained by a gram panchayat shall be open to the use and enjoyment of all persons, irrespective of their caste and creed.

**Power to farm out fees.**

145. A gram panchayat shall have power to farm out the collection of any fees due to it under this Act or any rule, bye-law or regulation made thereunder, for any period not exceeding three years at a time on such condition as it thinks fit.

**Extension of provisions of law relating to district municipalities or of rules thereunder.**

146. (1) The Commissioner may, at the request of the gram panchayat or otherwise, by notification, declare that any of the provisions of the law relating to municipalities for the time being in force or of any rule made thereunder including those relating to taxation, shall be extended to and be in force in the village or any specified area therein.

(2) The provisions so notified shall be construed with such alterations not affecting the substance as may be necessary or proper for the purpose of adopting them to the village or specified area therein.

(3) Whithout prejudice to the generality of the foregoing provision, all references to a municipal council or the chariman or the executive authority thereof shall be construed as references to the gram panchayat or the Sarpanch or the executive authority thereof, all references to any officer or servant of a municipal council as references to corresponding officer or servant of the gram panchayat and all references to the municipal limits as references to the limits of the village or the specified area therein, as the case may be.

**Transfer of functions of gram panchayats to other local authorities or vice versa.**

147. Notwithstanding anything in this Act, or in any law relating to other local authorities, the Government may, in consultation with the Mandal Parishad or Zilla Parishad or other local authority as the case may be, and the gram panchayat concerned, by notification, and subject to such restrictions and conditions and to such control and revision as may be specified therein, direct that,-

(i) any power or function vested in the gram panchayat by or under this Act, shall be transferred to and exercised and performed by the Mandal Parishad or Zilla Parishad or the other local authority; and

(ii) any power or function vested in the Mandal Parishad or Zilla Parishad or the other local authority shall be transferred to and exercised and performed by the gram panchayat.

Explanation: For the purposes of this section, 'local authority' includes, the Andhra Pradesh Industrial Infrastructure Corporation Limited.

PART - III

CONSTITUTION AND INCORPORATION, COMPOSITION, POWERS FUNCTIONS, ETC., OF MANDAL PARISHADS

148. (1) There shall be constituted by the Government by notification from time to time, and with effect on and from such date, as may be specified therein constitute a Mandal Parishad for each Mandal. **Constitution and incorporation of Mandal Parishads.**

(2) Where under sub-section (2) of section 3 of the Andhra Pradesh Districts (Formation) Act, 1974, a Mandal is redelimited or a new Mandal is formed, the Government may, by notification, reconstitute the Mandal Parishad for the redelimited Mandal or constitute a new Mandal Parishad for the new Mandal. On such reconstitution or constitution the Mandal Parishad or Mandal Parishads concerned functioning immediately before such reconstitution or constitution, shall stand abolished; Act 7 of 1974.

Provided that in reconstituting the Mandal Parishad the Government may direct that the President, the Vice-President or an elected member of the Mandal Parishad which was functioning immediately before

such redelimitation and who is otherwise qualified to hold such office in the reconstituted Mandal Parishad shall be the President, Vice-President or elected member of the reconstituted Mandal Parishad as if he was elected to such office in the reconstituted Mandal Parishad.

(3) Where after a Mandal Parishad is constituted for a Mandal, a part of such Mandal is included in a neighbouring municipality or Municipal Corporation, and,

(i) in case the residuary part of the Mandal is viable for the constitution of a separate Mandal Parishad such residuary part shall be redelimited into a separate Mandal under the Andhra Pradesh Districts (Formation) Act, 1974 and a Mandal Parishad shall be constituted for such newly formed Mandal and that portion of the Mandal prior to its redelimitation which is included in the neighbouring Municipality or Municipal Corporation shall be included in an adjoining Mandal which forms part of such Municipality or Municipal Corporation; or

Act 7 of 1974.

(ii) in case the residuary portion of the Mandal is not viable to be constituted into a separate Mandal Parishad, it shall be competent for the Government,-

(a) to include such residuary portion of the Mandal in the adjoining Mandal or Mandals and abolish the Mandal Parishad constituted for such Mandal; or

(b) to form a new Mandal by adding to such residuary portion, areas from the adjoining Mandal or Mandals and constitute a Mandal Parishad for such new Mandal:

Provided that where a Mandal Parishad is constituted under clause (i) or sub-clause (b) of clause (ii), the Government may direct that the President, Vice-President or an elected member of the

abolished Mandal Parishad who is otherwise qualified to hold such office in the newly constituted Mandal Parishad shall be the President, Vice-President or elected Member of the newly constituted Mandal Parishad as if he was elected to such office in the newly constituted Mandal Parishad.

Explanation:- For the removal of doubts it is hereby declared, that,-

(i) the President, Vice-President or an elected member of the newly constituted Mandal Parishad continued under this sub-section shall hold office only for the residue of the term of the President, Vice-President or an elected member of the abolished mandal Parishad:

Provided furher that where a Mandal Parishad is abolished under clause (a), the President, Vice-President or an elected member holding office immediately before such abolition shall unless he is continued under the foregoing proviso cease to hold their respective offices.

(3) Every Mandal Parishad shall, by the name of the Mandal for which it is constituted or reconstituted, be a body corporate having perpetual succession and a common seal with power to acquire, hold and dispose of property and to enter into contracts and may by its corporate name sue and be sued.

(4) The notification under sub-section (2) may contain such supplemental, incidental and consequential provisions as the Government may deem necessary and the Government may, from time to time, amend any such notification.

**Composition of Mandal Parishand.**

149. (1) Every Mandal Parishad shall consist of the following members, namely:-

(i) persons elected under section 151;

(ii) the Member of the Legislative Assembly of the State representing a constituency which comprises either wholly or partly the Mandal concerned;

(iii) the Member of the House of the People representing a constituency which comprises either wholly or partly the Mandal concerned;

(iv) any Member of the Council of States who is a registered voter in the Mandal concerned;

(v) one person belonging to minorities to be coopted in the prescribed manner by the members specified in clause (i) from among persons who are registered voters in the Mandal and who are not less than 21 years of age.

(2) No person shall be a member in more than one of the categories specified in sub-secion (1). A person who is or becomes a Member of a Mandal Parishad in more than one such category shall, by notice in writing signed by him and delivered to the Mandal Parishad Development Officer, within fifteen days from the date of the first meeting referred to in sub-section(3) of section 153, intimate in which one of the said categories he wishes to serve, and therupon he shall cease to be the Member in the other category or categories. In default of such intimation within the aforesaid period, his membership in the Mandal Parishad in the category acquired earlier shall, and his membership acquired later in the other shall not, cease at the expiration of such period. The intimation given under this sub-secion shall be final and irrevocable;

150. For the purpose of electing the members specified in clause (i) of sub-section (1) of section 149, the Commissioner shall, subject to such rules as may be made in this behalf, divide each Mandal Parishad area into as many territorial constituencies as he may, by notificaion specify, in such manner that, as far as practicable, shall consist of a population ranging between three thousand and four thousand; and that the ratio between the population of each constituency and the number of seats allotted to it shall, as far as practicable, be the same throughout the Mandal Parishad area: **Division of Mandal into constituencies.**

Provided that the ratio between the population of the territorial area of a Mandal Parishad and the number of seats in such Parishad to be filled by election shall, as far as practicable, be the same throughout the State.

151. (1) One member shall be elected to the Mandal Parishad from each territorial constituency specified in section 150 by the method of secret ballot by the persons who are registered voters in the territorial constituency concerned: **Election of members from territorial constituencies.**

Provided that a registered voter in the Mandal Parishad shall be entitled to contest from any territorial constituency of the Mandal Parishad.

(2) For purposes of preparation and publication of the electoral roll for the elections to the office of member under this section, the provisions of sections 11 and 12 shall, mutatis mutandis apply, subject to such rules as may be made in this behalf.

152. (1) In every Mandal Parishad out of the total strength of elected members determined under section 150, the Commissioner shall, subject to such rules as may be prescribed, by notification, reserve,- **Reservation of seats of members of Mandal Parishad.**

(a) such number of seats to the members belonging to Scheduled Castes and Scheduled Tribes as may be determined by him, subject to the condition that the number of seats so reserved shall bear, as nearly as may be, the same proportion to the total number of seats to be filled by direct election to the Mandal Parishad as the population of Scheduled Castes or as the case may be, the Scheduled Tribes in that Mandal bears to the total population of that Mandal and such seats may be allotted by rotation to different constituences in a Mandal Parishad in the manner prescribed;

(b) one-third of the total number of seats of elected members for backward classes; and such seats may be allotted by rotation to different territorial constituencies in the Mandal Parishad in the manner prescribed;

(c) not less than one-third of the total number of seats reserved under clauses (a) and (b) for women belonging to the Scheduled Castes, Scheduled Tribes or as the case may be, the backward classes;

(d) not less than one-third (including the number of seats reserved for women belonging to the Scheduled Castes, Scheduled Tribes and backward classes) of the total number of seats to be filled by direct election to every Mandal Parishad shall be reserved for women and such may be allotted by rotation to different constituencies in a Mandal Parishad in the manner prescribed.

(2) Nothing in sub-secion (1) shall be deemed to prevent women and members of the Scheduled Castes, Scheduled Tribes or backward classes from standing for election to the non-reserved seats in the Mandal Parishad.

153. (1) For every Mandal Parishad there shall be one President and one Vice-President who shall be elected by and from among the elected members specified in clause (i) of sub-secion (1) of secion 149 in the prescribed manner. If at an election held for the purpose no President or Vice-President is elected, fresh election shall be held. The names of the President and the Vice-President so elected shall be published in the prescribed manner:

**Election, reservation and term of office of President and Vice-President.**

Provided that if a Member of the Legislative Assembly of the State or of either House of Parliament is elected to either of the said offices, he shall cease to hold such office unless within fifteen days from the date of election to such office, he ceases to be Member of the Legislative Assembly of the State or of either House of Parliament by resignation or otherwise.

(2) Out of the total number of offices of President in the State, the Commissioner shall, subject to such rules as may be prescribed, by notificaion reserve,-

(a) such number of offices to the members belonging to Schedued Castes and Scheduled Tribes as may be determined by him, subject to the condition that the number of offices so reserved shall bear, as nearly as may be, the same proportion to the total number of offices to be filled in the State as the population of the Scheduled Castes or as the case may be, the Scheduled Tribes in the State bears to the total population of the State and such offices may be allotted by rotation to different Mandal Parishads in the State in the manner prescribed;

(b) one-third of the total number of such offices for backward classes; and such offices may be allotted by rotation

to different Mandal Parishads in the State in the manner prescribed;

(c) not less than one-third of the total number of offices reserved under clauses (a) and (b) for women belonging to the Scheduled Castes, Scheduled Tribes, or as the case may be, the backward classes; and

(d) not less than one-third (including the number of offices reserved for women belonging to the Scheduled Castes, Scheduled Tribes and the backward classes) of the total number of offices to be filled in the State for women and such offices may be allotted by rotation to different Mandal Parishads in the State in the manner prescribed.

(3) The first meeting of the Mandal Parishad to elect a President and Vice-President shall be called as soon as may be, after the results of the ordinary elections to the office of elected members of the Mandal Parishad have been published. The notice of the date and time of the meeting for the election of President and Vice-President shall be given to the elected members in the prescribed manner:

Provided that if, for any reason, the election of the President or Vice-President is not held on the date fixed as aforesaid, the meeting for the election of the President and Vice-President shall be held on the next day, whether or not it is a holiday observed by the Mandal Parishad.

(4) Every President or Vice-President shall cease to hold office on the expiration of his term of office as a member.

(5) Save as otherwise expressly provided in or prescribed under this Act, the term of office of the President or Vice-President who is elected at an ordinay election shall be five years from the date appointed by the State Election Commissioner for the first meeting of the Mandal Parishad after the ordinary election.

(6) Any casual vacancy in the office of the President or Vice-President shall be filled within a period of six months from the date of occurrence of the vacancy by a fresh election under sub-section (3) and a person elected as President or Vice-President in any such vacancy shall hold office only so long as the person in whose place he is elected would have been entitled to hold office if the vacancy had not occurred.

**Term of office of member of Mandal Parishad.**

154. Save as otherwise provided in this Act,-

(i) an ex-officio member of the Mandal Parishad shall hold office so long as he continues to hold the office by virtue of which he became such ex-officio member;

(ii) a member elected at an ordinary election or a co-opted member shall hold office for a term of five years from the date appointed by the State Election Commissioner for the first meeting of the Mandal Parishad after the said ordinary election.

**Qualification of candidates for election.**

155. No person shall be eligible for election as member of a Mandal Praishad unless his name appears in the electoral roll of the Mandal Parishads concerned and he has completed the age of twenty-one years.

**Disqualifications.**

156. (1) A member of the Mandal Parishad shall be disqualified for election as President or Vice-President if he is in arrears of any dues, otherwise than in a

fiduciary capacity to a gram panchayat, a Mandal Parishad or the Zilla Parishad or if he is interested in a subsisting contract made with, or any work being done, for, any gram panchayat in the Mandal or the Mandal Parishad or the Zilla Parishad within whose jurisdiction the Mandal Parishad is situated or any other Mandal Parishad within the jurisdiction of that Zilla Parishad:

Provided that a person shall not be deemed to have any interest in such contract or work by reason only of his having a share or interest in-

(i) a company as a mere shareholder but not as a director;

(ii) any lease, sale or purchase of immovable property or any agreement for the same; or

(iii) any agreement for the loan of money or any security for the payment of money only; or

(iv) any newspaper in which any advertisement relating to the affairs of any of aforesaid Mandal Parishad is inserted.

(2) The provisions of sections 18, 19, 20, 21 and 22 shall apply to a member of the Mandal Parishad as they apply to a member or the gram panchayat subject to the variations that for the expressions, "gram panchayat", "executive authority", "Sarpanch", "Upa-Sarpanch" and "District Panchayat Officer", the expressions "Mandal Parishad", "Mandal Parishad Development Officer ", "President", "Vice-President" and "Chief Executive Officer", shall respectively be substituted:

Provided that nothing in clause (b) of section 20 shall apply to a member of the Mandal Parishad specified in clause (ii), Clause (iii) and Clause (iv) of sub-section (1) of section 149.

157. The President, the Vice-President elected member or coopted member may resign his office in such manner as may be prescribed.

Resignation of President, Vice-President or Member.

158. The Collector, the Sarpanches of all the gram panchayats within the jurisdiction of the Mandal Parishad and the Presidents of Agricultural Marketting Committees shall be permanent invitees to the meetings of the Mandal Parishad and they shall have the right to speak in and other wise to take part in the proceedings of any meeting of a Mandal Parishad functioning within the local limits of their respective jurisdictions but shall not, by virtue of this section be entitled to vote at any such meeting.

Permanent invitees to the meetings of the Mandal Parishad.

159. (1) The President of a Mandal Parishad may for purposes of consultation, invite any person other than an office bearer of any political party having experience and specialised knowledge of any subject under the consideration of the Mandal Parishad to attend the meeting of the Mandal Parishad. Such person shall have the right to speak in, and otherwise to take part in the proceedings of such meeting, but shall not, by virtue of this section be entitled to vote at any such meeting.

President of a Mandal Parishad may invite certain persons to attend its meetings.

(2) A person attending a meeting under sub-section (1) shall be entitled to such allowances as may be prescribed.

160. Every Mandal Parishad shall in regard to the conduct of business at its meetings, follow such rules as may be prescribed.

Rules for the conduct of the business at a meeting of a Mandal Parishad.

161. (1) Subject to the provisions of this Act, the administration of the Mandal shall vest in the Mandal Parishad. Every Mandal Parishad shall endeavour to instill among the people within its jurisdiction

Powers and functions of a Mandal Parishad.

spirit of selfhelp and initiative and harness their enthusiasm for raising the standard of living, it shall exercise all the powers conferred on, and perform all the functions entrusted to it by or under this Act, and such other powers and functions as may be conferred on, and entrusted to it by the Government for carrying out the purposes of this Act, but it shall not exercise the powers or perform the functions expressly assigned by or under this Act, or any other law to its President or to the Mandal Parishad Development Officer or to the Zilla Parishad or any other authority, it shall do extension and review functions at the mandal level effectively. It may, with the previous approval of the Government and subjcet to such terms and conditions as may be prescribed borrow moneys for carrying out the purposes of this Act. It shall also exercise and perform such of the powers and functions of the District Board including the powers to levy any tax or fees as may be transfered to it under this Act.

(2) Every Mandal Parishad shall exercise such powers and perform such functions as may be entrusted to it by rules made in this behalf in regard to the subjects enumerated in Scheduled-I. In particular, the Mandal Parishad shall exercise the powers and perform the functions specified in Schedule-II.

(3) Notwithstanding anything in this Act, the Mandal Parishad may with the prior approval of the Zilla Parishad levy contributions from the funds of the Gram Panchayats in the Mandal.

(4) Every Mandal Parishad may levy with the prior sanction of the Government a duty in the form of a surcharge on any tax imposed by a gram panchayat or on land

cess or local cess levied within its jurisdiction in such manner and subject to such maximum as may be prescribed.

Maintenance of common water works and other institutions.

162. (1) Notwithstanding anything in this Act and subject to the rules made in this behalf, two or more gram panchayats may,-

(i) consturct and maintain water works for supply of water for washing and bathing purposes and protected water for drinking pruposes from a common source, and

(ii) entrust to Mandal Parishad with its consent and on such terms as may be agreed upon the management of any institution or the execution or maintenance of any work.

(2) Subject to the provisions of this Act and the rules made thereunder, two or more Mandal Parishads may establish and maintain common dispensaries, child welfare centres and institutions of such other kinds, as may be prescribed.

Power of Mandal Parishad to call for documents from the Mandal Parishad Development Officer.

163. A Mandal Parishad may, at any time require the Mandal Parishad Development Officer to furnish any document in his custody. The said officer shall comply with every such requisition.

Power of Mandal Parishad to call for information from Village Development Officer.

164. A Mandal Parishad may require any Village Development Officer of any village within the jurisdiction of the Mandal Parishad to furnish any information on any matter falling with such categories as may be prescribed in respect of such village or any person or property therin required for the purposes of this Act.

Powers and functions of the President and Vice-President.

165. (1) The President of a Mandal Parishad shall,-

(a) exercise administrative control over the Mandal Parishad Development Officer for the purposes of implementation of the resolution of the Mandal Parishad;

(b) preside over and conduct the meetings of the Mandal Parishad; and

(c) have full access to all records of the Mandal Parishad.

(2) In case of emergency the President may in consultation with the Mandal Parishad Development Officer direct the execution of any work or the doing of any act which requires the sanction of the Mandal Parishad and the immediate execution or the doing of which is, in his opinion, necessary for the service or safety of the general public, but he shall report the action taken under this sub-section and the reasons therefor to the Mandal Parishad at its next meeting:

Provided that he shall not direct the execution of any work or the doing of any act in contravention of any order of the Government.

(3) The Vice-President shall exercise such powers and perform such functions of the President as the President may, from time to time, delegate to him in writing.

(4) When the office of the President is vacant the Vice-President of the Mandal Parishad shall exercise the powers and perform the functions of the President until a new President is elected.

(5) if the President has been continuously absent from the Mandal for more than fifteen days or is incapacitated for more than fifteen days, his powers and functions during such absence or incapacity shall devolve on the Vice-President.

(6) When the office of the President is vacant or the President has been continuoulsy absent from the Mandal for more than fifteen days or is incapacitated for more than fifteen days and there is either a vacancy in the office of the Vice-president or the Vice-President has been continuously absent from the Mandal for more than fifteen days or is incapacitated for more than fifteen days, the powers and functions of the President shall devolve on a member of the Mandal Parisahd appointed by the Government in this behalf. The member so appointed shall be styled as the temporary President and he shall exercise the powers and perform the functions of the President subject to such restrictions and conditions as may be prescribed until a new President or Vice-President assumes office after his election or until the President or the Vice-President, returns to the Mandal or recovers from his incapacity, as the case may be.

Right of individual members to draw attention in respect of Mandal Parishad etc.,

166. Any member of a Mandal Parishad may draw the attention of the President or the Mandal Parishad Development Officer to any neglect in the execution of Mandal Parishad work, to any waste of Mandal Parsihad property or to the needs of any locality and may suggest any improvement which may appear desirable.

Powers and functions of the Mandal Parishad Development officer.

167. (1) The Mandal Parishad Development Officer shall be the Chief Executive officer of the Mandal Parishad. He shall be responsible for implementing the resolutions of the Mandal Parishad and shall also exercise such powers and perform such functions as may be entrusted to him by the Government. He shall also exercise such powers of supervision over the gram panchayats in the Mandal as may be prescribed.

(2) The Mandal Parishad Development Officer shall, with the approval of, or on the direction of the President, convene the meetings of the Mandal Parishad so that atleast one meeting of the Mandal Parishad is held every month and if the Mandal Parishad Development Officer fails to discharge that duty, with the result that no meeting of the Mandal Parishad is held within a period of ninety days from the last meeting, he shall be liable to disciplinary action under the relevant rules:

Provided that where the President fails to give his approval for convening the meeting so as to hold a meeting within a period of ninety days aforesaid, the Mandal Parishad Development Officer may himself convene the meeting in the manner prescribed.

(3) The Mandal Parishad Development Officer shall ordinarily attend the meetings of the Mandal Parishad and shall be entitled to take part in the discussions thereat but he shall not be entitled to vote or to move any resolution.

(4) Subject to the provisions of section 168 the staff borne on the establishment of the Mandal Parishad and the staff working in institutions and schemes transferred by the Government or the Head of the Department of Government to the Mandal Parishad shall be under the administrative control and supervision of the Mandal Parishad Development Officer..

(5) Notwithstanding anything in sub-section (1) of section 161 and subject to all other provisions of this Act, and the rules made thereunder, the Mandal Parishad shall have power to issue such specific direction as it may think fit regarding the performance by the Mandal Parishad Development officer of any of the functions assigned to him under this Act.

(6) The Government shall, pay out of the Consolidated Fund of the State, the salaries, allowances, leave allowances, pension and contribution if any towards the provident fund or provident fund-cum-pension fund of the Mandal Parishad Development Officer appointed by them for Mandal Parishad.

(7) The Government shall have power to make rules to regulate the classification and methods of recruitment, conditions of services, pay and allowances and disciplinary conduct of the Mandal Parishad Development Officer.

The Mandal Parishad Development Officer and other officers and staff of a Mandal Parishad to be subordinate to the Mandal Parishad.

168. The Mandal Parishad Development Officer and other officers and staff of a Mandal Parishad and the staff employed in the institutions and schools under the Mandal Parishad shall be subordinate to the Mandal Parishad.

Officers and other employees of Mandal Parishad.

169. (1) The Government may, at any time create such posts of officers and other employees of Mandal Parishad as they may consider necessary for carrying out the purposes of this Act.

(2) All appointments to the posts created under sub-section (1) and transfer of the holders of such posts shall be made subject to the provisions of the Andhra Pradesh Public Employment (Regulation of Age of Superannuation) Act, 1984, the Andhra Pradesh (Regulation of Appointments to Public Services and Rationalisation of Staff Pattern and Pay Structure) Act, 1994 and such rules as may be made under the proviso to article 309 of the Constitution of India.

Act 23 of 1984.

Act 2 of 1994.

(3) The Government shall pay, out of the Consolidated Fund of the State, the salaries, allowances, leave allowances, pension and contributions, if any, towards the provident fund or pension-cum-provident fund of the officers and other employees of a Mandal Parishad who hold any of the posts referred to in sub-section (1).

(4) The classification and methods of recruitment, conditions of service, pay and allowances and discipline and conduct of the officers and other employees referred to in sub-section (3), shall be regulated in accordance with the provisions of the Andhra Pradesh Public Employment (Regulation of Age of Superannuation) Act, 1984, the Andhra Pradesh (Regulation of Appointments to Public Services and Rationalisation of Staff Pattern and Pay Structure) Act, 1994 and such rules as may be made under the proviso to article 309 of the Constitution until rules in that behalf are so made, the law for the time being in force regulating the recruitment and conditions of service, pay and allowances and conduct, applicalbe to such holder shall continue to apply to such holder.

Act 23 of 1984.

Act 2 of 1994.

(5) The Government may, from time to time, by order give such directions to any Mandal Parishad or any officer, authority, or person thereof as may appear to them to be necessary for the purpose of giving

effect to the provisions of this section and the Mandal Parishad Development Officer, authority or person shall comply with all such directions.

170. (1) There shall be paid to the members of a Mandal Parishad including its President and Vice-President and to the Members of the Legislative Assembly and of either House of Parliament for attending a meeting of the Mandal Parishad such allowances as may be prescribed.

Allowances for attending a meeting of the Mandal Parishad.

(2) There shall also be paid to the President in respect of his tours on duty whether within or outside the Mandal but within the District such allowances as may be prescribed.

171. (1) All moneys received by a Mandal Parishad shall constitute a fund called the Mandal Parishad Fund and shall be applied for the purposes specified in this Act and for such other purposes and in such manner as may be prescribed.

Mandal Parishad Fund.

(2) All moneys received by the Mandal Parishad shall be lodged in the nearest Government treasury .

(3) All orders or cheques against the Mandal Parishad Fund shall be signed by the Mandal Parishad Development Officer.

172. (1) The sources of income of a Mandal Parishad shall consist of;-

Income and expenses of a Mandal Parishad.

(i) funds relating to institutions and schemes transferred by the Government or Heads of Departments of the Government to the Mandal Parishad;

(ii) funds relating to the community development programmes;

(iii) Central and State aid and aid received from the All India bodies and

institutions for the development of cottage and village industries, khadi, silk, coir, handicarfts and the like;

(iv) donations and contributions received by the Mandal Parishad from gram panchayats or from the public in any form;

(v) such income of the Zilla Parishad as the Government may, by order, allocate to it;

(vi) such share of the land revenue, state taxes or fees as may be prescribed;

(vii) proceeds from taxes, surcharge or fee which the Mandal Parishad is empowered to levy under this Act or any other law;

(viii) such contributions as the Mandal Parishad may levy from gram panchayats;

(ix) any other income from remunerative enterprises and the like.

(2) Government shall also make an annual grant at the rate of five rupees per person residing in the Mandal calculated on the basis of the last preceding census of which figures are available.

(3) The expenses of the Mandal Parishad shall include the salaries and allowances of its officers and other employees, the allowances to be paid under sections 159 and 170 any item of expenditure directed by the Government for carrying out the purposes of this Act and such other expenses as may be necessary for such purposes.

Election expenses to be borne by the Government.

173. The cost of the election expenses including the conduct of elections to the Mandal Parishad and the cost of maintenance of election establishment employed in

connection therewith shall be borne by the Government.

174. (1) The Mandal Parishad Development Officer shall, in each year frame and place before the Mandal Parishad on or before the prescribed date a budget showing the probable receipts and expenditure during the following year, and the Mandal Parishad shall sanction the budget with such modifications, if any, as it thinks fit.

(2) The budget as so sanctioned shall be submitted by the Mandal Parishad Development Officer on or before such date as may be prescribed, to the Zilla Parishad and where there is no such Zilla Parishad to the District Collector, and if the Zilla Parishad or the District Collector as the case may be is satisfied that adequate provision has not been made therein for giving effect to the provisions of this Act, it or he shall have power to approve the budget with such modifications as may be necessary to secure such provisions.

(3) If, for any reason the budget is not sanctioned by the Mandal Parishad under sub-section (1) before the date referred to in sub-section (2) the Mandal Parishad Development Officer shall submit the budget to the District Collector who shall sanction it with such modifications, if any, as he thinks fit and forward it to the Zilla Parishad which shall thereupon approve the budget as if it were submitted to it under sub-section (2), where there is no Zilla Parishad for the District, the sanction accorded by the District Collector shall be final.

(4) If, in the course of a year, the Mandal Parishad finds it necessary to make any alterations in the budget with regard to its receipts or items of expenditure, a revised or supplemental budget may be framed, submitted and sanctioned or

approved as far as may be in the manner provided in sub-sections (1), (2) and (3).

Joint Committee of Mandal Parishad and other local authorities.

175. A. Mandal Parishad may, and if so required by the Government shall, join with one or more than one other local authority in constituting a joint committee for any purpose for which they are jointly responsible.

Constitution, powers and functions of Joint Committee.

176. The constitution, powers and procedure of the joint committee referred to in section 175 and the method of setting differences of opinion arising in connection with such committee between the local authorities concerned shall be in accordance with such rules as may be prescribed.

## PART - IV

## CONSTITUTION, INCORPORATION, COMPOSITION, POWERS, FUNCTIONS ETC., OF ZILLA PARISHADS

Constitution, incorporation and Composition of Zilla Parishad.

177. (1) There shall be constituted by the Government by notification a Zilla Parishad for a District with effect from such date as may be specified therein.

(2) Every Zilla Parishad shall, by the name of the District for which it is constituted, be a body corporate having perpetual succession and a common seal with power to acquire, hold and dispose of property and to enter into contracts and may by its corporate name, sue and be sued.

(3) Every Zilla Parishad shall consist of the following members, namely:-

(i) persons elected under section 179;

(ii) the Member of the Legislative Assembly of the state representing the constituency which comprises either wholly or partly the district concerned:

Provided that such Member of the Legislative Assembly shall have the right to speak in and otherwise to take part in the proceedings of a meeting of any Standing Committee of the Zilla Parishad but he shall not be entitled to vote at a meeting of such Standing Committee, unless he is also a member of that Standing Committee:

Provided further that no Member of the Legislative Assembly representing a constituency the whole of which forms part of the local area within the jurisdiction of any of the Municipal Corporations or any of the Municipalities in the State shall be the member of the Zilla Parishad of the concerned district;

(iii) The Member of the House of People representing the constituency which comprises either wholly or partly the district concerned:

Provided that no Member of the House of the People representing a constituency the whole of which forms part of the local area within the jurisdiction of any of the Municipal Corporations in the State shall be the Member of the Zilla Parishad:

Provided further that a Member of the House of the People representing a constituency which comprises more than one district including a portion of any disctrict, shall be a member of the Zilla Parishad of all such districts with the right to speak in, and otherwise to take part in the proceedings of their meetings with voting rights; he shall also have the right to speak in and otherwise to take part in the meetings of any Standing Committee of the Zilla Parishad but he shall not be entitled to vote at a meeting of any Standing Committee unless he is also a member of that Standing Committee.

(iv) the Member of the Council of

States who is a registered voter in the district:

Provided that such Member of the Council of States shall have the right to speak in, and otherwise to take part in the proceedings of a meeting of any Standing Committee of the Zilla Parishad, but he shall not be entitled to vote at a meeting of that Standing Committee, unless he is also a member of that Standing Committee;

(v) two persons belonging to minorities to be coopted in the prescribed manner by the members specified in clause (i) from among persons who are registered voters in the District and who are not less than 21 years of age.

(4) No person shall be a Member in more than one of the categories specified in sub-section (3). A person who is or becomes a Member of a Zilla Parishad in more than one such category, shall, by notice in writing signed by him and delivered to the Chief Executive Officer, within fifteen days from the date of the first meeting of the Zilla Parishad referred to in sub-section (4) of section 181, intimate in which one of the said categories he wishes to serve, and thereupon, he shall cease to be the member in the other category or categories. In default of such intimation within the aforesaid period, his membership in the Zilla Parishad in the category acquired earlier shall, and his membership acquired later in the other category shall not, cease at the expiration of such period. The intimation given under this sub-section shall be final and irrevocable.

(5) No person other than a Member of the House of the People, shall be entitled to be a member of more than one Zilla Parishad at a time.

178. For purposes of electing the ...... specified in clause (i) of Sub-section (3) of section 177 every Mandal in the District shall be a territorial constituency and the State Election Commissioner shall allot not more than one seat for each such territorial constituency.

**Mandals to be territorial constituencies.**

179. (1) One member shall be elected to the Zilla Parishad from each territorial constituency specified in section 178 by the method of secret ballot by the registered voters in the territorial constituency concerned:

**Election of members f... territorial constituencies.**

Provided that a registered voter in the district shall be entitled to contest from any territorial constituency of the Zilla Parishad.

(2) For purposes of preparation and publication of the electoral roll for the elections to the office of member under this section, the provisions of sections 11 and 12 shall, mutatis mutandis apply subject to such rules as may be made in this behalf.

180. (1) In every Zilla Parishad, out of the total strength of elected members determined under section 179, the Commissioner shall, subject to such rules as may be prescribed, by notification, reserve-

**Reservation of seats of members of Zilla Parishad.**

(a) such number of seats to the Scheduled Castes and Scheduled Tribes as may be determined by him, subject to the condition that the number of seats so reserved shall bear, as nearly as may be, the same proportion to the total number of seats to be filled by direct election to the Zilla Parishad as the population of the Scheduled Castes or as the case may be Scheduled Tribes in the District bears to the total population of that District and such seats may be allotted by rotation to different constituencies in a District in the manner prescribed;

(b) one-third of the total nu
seats to be filled by direct ele
the Zilla Parishads to the backward
and such seats may be allotted by
to different territorial constitue
the Zilla Parishads in the mann
scribed;

(c) not less than one-third
total number of seats reserve
clauses (a) and (b) for women b
to the Scheduled Castes, Schedule
or as the case may be, the
classes;

(d) not less than one-third (i
the number of seats reserved fo
belonging to the Scheduled
Scheduled Tribes and backward clas
the total number of seats to be f
direct election to the Zilla Paris
women and such seats may be allo
rotation to different constituen
the district in the manner prescrib

(2) Nothing in sub-section (1
be deemed to prevent women and me
the Scheduled Castes, Scheduled T
backward classes from standi
election to the non-reserved seats
Zilla Parishad.

**Election of Chairman and Vice-Chairman.** 181. (1) For every Zilla Parish
shall be one Chairman and one Vice-
who shall be elected by and from a
elected members specified in claus
sub-section (3) of section 177
prescribed manner. If at an elect
for the purpose no Chairman o
Chairman is elected fresh electi
be held. The names of the Chairman
Vice-Chairman so elected shall be p
in the prescribed manner:

Provided that if a Member of the Legislative Assembly of the State or of either House of Parliament is elected to either of the said offices, he shall cease to hold such office unless within fifteen days from the date of election to such office he ceases to be Member of the Legislative Assembly of the State or of either House of Parliament by resignatioin or otherwise.

(2) Out of the total number of twenty two offices of Chairmen in the State, the reservation of offices in favour of Scheduled Castes, Scheduled Tribes, Backward Classes and Women and the unreserved offices in the three areas of the State, namely Coastal Andhra, Telengana and Rayalaseema shall be as shown in the Table below:-

TABLE

| Name of the Area | Scheduled Castes | Scheduled Tribes | Backward Classes | Un-reserved Seats | Sub-Total | Grand Total |
|---|---|---|---|---|---|---|
| (1) | (2) | (3) | (4) | (5) | (6) | (7) |
| 1. COSTAL ANDHRA | | | | | | |
| (a) Men or Women | 1 | 1 | 2 | 2 | 6 | - |
| (B) Women | 1 | - | 1 | 1 | 3 | - |
| | | | | | 9 | 9 |
| 2. TELANGANA | | | | | | |
| (a) Men or Women | 1 | - | 2 | 3 | 6 | - |
| (b) Women | - | 1 | 1 | 1 | 3 | |
| | | | | | 9 | 9 |

| (1) | (2) | (3) | (4) | (5) | (6) | (7) |
|---|---|---|---|---|---|---|
| 3. RAYALASEEMA | | | | | | |
| (a) Men or Women | - | - | 1 | 1 | 2 | - |
| (b) Women | 1 | - | - | 1 | 2 | |
| | | | | | 4 | 4 |
| | 4 | 2 | 7 | 9 | - | 22 |

**Explanation:-** For the removal of doubts, it is hereby declared that,-

(i) the number of offices reserved for Scheduled Castes in the above table is approximately eighteen percent of the total number of offices of Chairman in the State;

(ii) the number of offices reserved for Scheduled Tribes in the above Table is approximately eight percent of the total number of offices of Chairman in the State;

(iii) the number of seats reserved for Backward classes is approximately one-third of the total number of offices of Chairman in the State;

(iv) the number of offices reserved for women is approximately one third of the total number of offices reserved for Scheduled Castes, Scheduled Tribes, Backward Classes and the un-reserved seats;

(v) the reservation of offices of the Chairmen to all categories put together is in the ratio of 2:2:1 in respect of the three regions of State namely Coastal Andhra, Telengana and Rayalaseema respectively;

(vi) the expression "Coastal Andhra" shall mean the region comprising the Srikakulam, Vizianagaram, Visakhapatnam, East Godavari, West Godavari, Krishna, Guntur, Prakasam and Nellore Districts; the expression "Telengana" shall mean the region comprising the Mahaboobnagar, Rangareddy, Medak, Nizamabad, Adilabad, Karimnagar, Warangal, Khammam and Nalgonda Districts and the expression "Rayalaseema" shall mean the region comprising of Kurnool, Cuddapah, Anantapur and Chittor Districts.

(3) The offices reserved for Scheduled Castes, Scheduled Tribes, Backward Classes and Women may be allotted by rotation to different Zill Parishads in the different regions in the State in the manner prescribed.

(4) The first meeting of the Zilla Parishad to elect a Chairman and Vice-Chairman shall be called as soon as may be, after the results of the ordinary elections to the office of elected members of the Zilla Parishad have been published. The notice of the date and time of the meeting for the election of Chairman and Vice-Chairman shall be given to the elected members in the prescribed manner:

Provided that if, for any reason, the electioin of the Chairman or Vice-Chairman is not held on the date fixed! as aforesaid, the meeting for the election of the Chairman and Vice-Chairman shall be held on the next day, whether or not it is a holiday observed by the Zilla Parishad.

(5) Every Chairman or Vice-Chairman shall cease to hold office on cessation as an elected member.

(6) Save as otherwise expressly provided in, or prescribed under this Act, the term of office of the Chairman or Vice- Chairman who is elected at an ordinary election shall be five years from

the date appointed by the State Election Commissioner for the first meeting of the Zilla Parishad after the ordinary election.

(7) Any casual vacancy in the office of the Chairman or Vice-Chairman shall be filled within a period of six months from the date of occurrence of the vacancy by a fresh election under sub-section (4) and a person elected as Chairman or vice-Chairman in any such vacancy shall hold office only so long as the person in whose place he is elected would have been entitled to hold office if the vacancy had not occurred.

Term of office of a member of a Zilla Parishad.

182. Save as otherwise provided in this Act,-

(i) an ex-officio member of the Zilla Parishad shall hold office so long as he continues to hold the office by virtue of which he became such ex-officio member;

(ii) a member elected at an ordinary election or a coopted member shall hold office for a term of five years from the date appointed by the State Election Commission for the first meeting of the Zilla Parishad after the said ordinary election.

Qualification of candidates for election.

183. No person shall be eligible for election as member of a Zilla Parishad unless his name appears in the electoral rolls of the Zilla Parishad concerned and he has completed the age of twenty one years.

184. (1) A member of the Zilla Parishad shall be disqualified for election as Chairman or Vice-Chairman if he is in arrears of any duties, otherwise than in a fiduciary capacity to any Mandal Parishad in the District or the Zilla Parishad or if he is interested in a subsisting contract made with or any work being done for any Mandal Parishad in the District or the Zilla Parishad: Disqualifications.

Provided that a person shall not be deemed to have any interest in such contract or work by reason only of his having a share or interest in-

(i) a company as a mere shareholder but not as a director; or

(ii) any lease, sale or purchase of immovable property or any agreement for the same; or

(iii) any agreement for the loan of money or any security for the payment of money only; or

(iv) any newspaper in which any advertisement relating to the affairs of any of the aforesaid Mandal Parishad or Zilla Parishad is inserted.

(2) The provisions of sections 18, 19, 20, 21 and 22 shall apply to a member of the Zilla Parishad as they apply to a member of the gram panchayat subject to the

variations that the expressions, "gram panchayat", "executive authority", "Sarpanch", "Upa-Sarpanch" and "District Panchayat Officer", the expressions "Zilla Parishad", "Chief Executive Officer", "Chairman", "Vice-Chairman and "Chief Executive Officer" shall respectively be substituted:

Provided that nothing in clause (b) of section 20 shall apply to a member of the Zilla Parishad specified in clauses (ii) to (iv) of sub-section (3) of section 177.

**Resignation of Chairman, Vice-Chairman or member.**

185. The Chairman, the Vice-Chairman, an elected member on co-opted member may resign his office in such manner as may be prescribed.

**Appointment of Chief Executive Officer and his powers and functions.**

186. (1) There shall be Chief Executive Officer for every Zilla Parishad who shall be appointed by the Government.

(2) Every Chief Executive Officer shall be liable to be transferred by the Government.

(3) Save as otherwise expressly provided by or under this Act, the executive power for the purpose of carrying out the provisions of this Act, shall vest in the Chief Executive Officer who shall,-

(a) exercise all the powers and perform all the functions specially conferred or imposed upon him by or under this Act, or under any other law for the time being in force; and.

(b) lay down the duties of all officers and servants of, or holding office under Zilla Parishad in accordance with the rules made by the Government.

(4) Subject to the provisions of this Act, and the rules made thereunder, the Chief Executive Officer,-

(a) shall be entitled to-

(i) attend the meeting of the Zilla Parishad or any of its Standing Committes (including any meeting of the Mandal Parishad) and take part in the discussions thereat but shall not be entitled to vote or to move any resolution;

(ii) Call for any information, return, statement of account or report from any officer or servant of, or holding office under the Zilla Parishad or a Mandal Parishad.

(b) shall exercise supervision and control over the acts of the officers and servants holding office under the Zilla Parishad or the institutions thereunder in matters of executive administration and those relating to accounts and records of the Zilla Parishad or the institutions thereunder;

(c) shall have the custody of all papers and documents connected with the proceedings of the Zilla Parishad and of its Standing Committees;

(d) shall be responsible for implementing the resolutions of the Zilla Parishad and of the Standing Committees thereof;

(e) shall supervise and control the execution of all activities of the Zilla Parishad;

(f) shall take necessary measures for the speedy execution of all works and development schemes of the Zilla Parishad;

(g) shall have the power to enter upon and inspect any work, scheme or institution under the management of the Zilla Parishad;

(h) shall have the power to enter upon and inspect any work, scheme or institution under the management of a Mandal Parishad if the Zilla Parishad or any of its Standing Committees so direct;

(i) shall be the competent authority to enter into agreements and to sign and execute them in the name and on behalf of the Zilla Parishad from time to time;

(j) shall implement such specific directions issued by the Zilla Parishad as it may think fit regarding the performance by him of any of the functions assigned to him under the Act:

Provided that such directions are in conformity with the terms and conditions governing planning, community development and other development activities entrusted by the Government or any other authority;

(k) shall immediately execute the orders passed by the Government in exercise of the powers conferred by the Act and rules made thereunder or any other law for the time being in force and shall forthwith send a compliance report to the Government and place a copy thereof before the Chairman and Vice-Chairman;

(l) shall exercise such other powers and perform such other functions as may be prescribed.

(5) The Chief Executive Officer shall, with the approval of, or on the direction of the Chairman convene the meetings of the Zilla Parishads so that atleast one meeting of the Zilla Parishad is held every month and if the Chief Executive Officer fails to discharge that duty, with the result that no meeting of the Zilla Parishad is held within a period of ninety days form the last meeting, he shall be liable to disciplinary action under the relevant rules:

Provided that where the Chairman fails to give his approval for convening the meeting so as to hold a meeting within the period of ninety days aforesaid the Chief Executive Officer may himself convene the meeting in the manner prescribed.

(6) Subject to the provisions of section 195 the staff borne on the establishment of the Zilla Parishad and the staff working in institutions and schemes transferred by the Government or the Head of Department of Government to the Zilla Parishad shall be under the administrative control and supervision of the Chief Executive Officer.

(7) The Government shall pay out of the Consolidated Fund of the State, the salaries, allowances, leave allowances, pension and contributions, if any, towards the provident fund or provident fund-cum-pension fund of the Chief Executive Officer appointed under sub-section(1).

(8) The Government shall have power to make rules to regulate the classification and methods of recruitment, conditions of service, pay and allowances and disciplinary conduct of the Chief Executive Officer appointed under sub-section(1).

**Standing Committees of a Zilla Parishad.**

187. (1) For every Zilla Parishad there shall be constituted the following Standing Committees, the subjects assigned to each such Standing Committee being those specified against it, namely:-

(i) STANDING COMMITTEE FOR PLANNING AND FINANCE: District Plan, budget, taxation, finance and coordination of the work relating to other committees.

(ii) STANDING COMMITTEE FOR RUAL DEVELOPMENT: Poverty Alleviation Programme, Area Development Programmes, employment, housing, cooperation, thrift and small savings, Industries including cottage, village and small scale industries, trusts and statistics.

(iii) STANDING COMMITTEE FOR AGRICULTURE: Agriculture, animal husbandry, soil reclamation including contour bunding, social forestry, fisheries and sericulture.

(iv) STANDING COMMITTEE FOR EDUCATION AND MEDICAL SERVICES: Education including Social Education, medical services, public health and sanitation including drainage, relief for distress in grave emergencies.

(v) STANDING COMMITTEE FOR WOMEN WELFARE: Development of women and welfare of children.

(vi) STANDING COMMITTEE FOR SOCIAL WELFARE: Social Welfare of Scheduled Castes, Scheduled Tribes and backward classes and cultural affairs.

(vii) STANDING COMMITTEE FOR WORKS: Communications, rural water supply, power and irrigation.

(2) Every standing Committee shall consist of the Chairman of the Zilla Parishad who shall be ex-officio member and such other members as may be nominated by the Chairman in accordance with the rules made in that behalf.

(3) The Vice-Chairman shall be the ex-officio Member and Chairman of the Standing Committee for Agriculture, two offices of the Chairman of the Standing Committees shall be filled by nomination by the Chairman of the Zilla Parishad from among the Women members of the Zilla Parishad in the manner prescribed and the Chairman of the Zilla Parishad shall be the Chairman of the rest of the four offices of the chairman of the Standing Committees.

(4) The powers and functions of the Standing Committee, the parmanent invitees to it and other incidental and consequential matters shall be such as may be prescribed.

(5) The District Collector shall have right to participate in the meetings of all Standing Committees without voting rights.

(6) The decisions of the Standing Committees shall be subject to ratification by the general body of the Zilla Parishad which shall have the power to approve, modify, rescind or reverse them.

**Permanent invitees to Zilla Parishad.**

188. (1) The following shall be the permanent invitees to the meetings of the Zilla Parishad:

(i) The Chairman, District Cooperative Marketing Society;

(ii) the Chairman, Zilla Grandhalaya Samstha;

(iii) the Chairman, District Cooperative Central Bnak;

(iv) the District Collector;

(v) all Presidents of Mandal Parishads in the District.

(2) The permanent invitees shall be entitled to participate in the meetings of the Zilla Parishad without right to vote.

**Special invitees.** 189. (1) The Chairman or Vice-Chairman of a Zilla Parishad or the Chairman of a Standing Committee thereof may, for purposes of consultation, invite any person other than an office bearer of any political party having experience and specialised knowledge of any subject under its consideration to attend its meeting. Such persons shall have the right to speak in and otherwise to take part in the proceedings of such meeting, but shall not, by virtue of this section, be entitled to vote at any such meeting.

(2) A person attending a meeting under sub-section (1) shall be entitled to such allowances as may be prescribed.

**Rules for conduct of business at meetings.** 190. Every Zilla Parishad or a Standing committee thereof shall in regard to the conduct of business at its meetings follow such rules as may be prescribed.

**Power of Zilla Parishad or its Standing Committee to call for documents from Chief Executive Officer.** 191. A Zilla Parishad or a Standing Committee thereof may, at any time require the Chief Executive Officer to furnish any document in his custody and he shall comply with every such requisition.

**Powers and functions of the Zilla Parishad.** 192. (1) Every Zilla Parishad shall exercise such powers and perform such functions as may be entrusted to it by rules made in this behalf with regard to the subjects enumerated in the First Schedule. The Zilla Parishad shall also have the power to,-

(i) examine and approve the budgets of Mandal Parishads in the district;

(ii) distribute the funds allotted to the district by the Central or State Government among the Mandal Parishads and Mandals in the district for which Mandal Parishad are not constituted;

(iii) co-ordinate and consolidate the plans prepared in respect of the Mandals in the district and prepare plans in respect of the entire district;

(iv) secure the execution of plans, projects, schemes or other works either solely relating to the individual Mandals or common to two or more Mandals in the district;

(v) supervise generally the activities of the Mandal Parishads in the district;

(vi) exercise and perform such of the powers and functions of the District Board including the powers to levy any tax or fees, as may be transferred to it under this Act;

(vii) exercise and perform such other powers and functions in relation to any development programme as the Government may by notification confer on or entrust to it;

(viii) advise Government on all matters relating to development activities and maintenance of services in the district, whether undertaken by local authorities or Government;

(ix) advise Government on the allocation of work among gram panchayats and Mandal Parishads and co-ordination of work between the said bodies and among the various gram panchayats themselves;

(x) advise Government on matters concerning the implementation of any statutory or executive order specially referred by the Government to the Zilla Parishad;

(xi) collect such data as it deems necessary;

(xii) publish statistics or other information relating to the activities of the local authorities;

(xiii) require any local authority to furnish information regarding its activities;

(xiv) accept trusts relating exclusively to the furtherance of any purpose for which its funds may be applied;

(XV) establish, maintain, or expand secondary, vocational and Industrial schools;

(xvi) borrow money for carrying out the purposes of this Act with the previous approval of the Government and subject to such terms and conditions as may be prescribed.

(2) The Zilla Parishad may, with the approval of the Government levy contributions from the funds of the Mandal Parishads in the district.

**Powers and functions of Chairman and Vice-Chairman of the Zilla Parishad.**

193. (1) The Chairman of Zilla Parishad shall-

(a) exercise administrative control over the Chief Executive Officer for the purposes of implementation of the resolutions of the Zilla Parishad or any Standing Committee thereof;

(b) Preside over and conduct the meetings of the Zilla Parishad;

(c) have full access to all records of the Zilla Parishad.

(2) The Vice-Chairman shall exercise such powers and perform such functions of the Chairman as the Chairman may, from time to time delegate to him in writing.

(3) When the office of the Chairman is vacant, the Vice-Chairman of the Zilla Parishad shall exercise the powers and perform the functions of the Chairman until a new Chairman is elected.

(4) If the Chairman has been continuosly absent from the district for more than fifteen days or is incapacitated for more than fifteen days his powers and functions during such absence or incapacity shall devolve on the Vice-Chairman.

(5) When the office of the Chairman is vacant or the Chairman has been continuously absent from the district for more than fifteen days or is incapacitated for more than fifteen days and there is either a vacancy in the office of the Vice-Chairman or the vice-Chairman has been continuously absent from the district for more than fifteen days or is incapacitated for more than fifteen days, the powers and functions of the Chairman shall devolve on a member of the Zilla Parishad appointed by the Government. The member so appointed shall be styled as the temporary Chairman and he shall exercise the powers and perform the functions of the Chairman subject to such restrictions and conditions as may be prescribed until a new Chairman or Vice-Chairman assumes office after his election, or until the Chairman or the Vice-Chairman returns to the district or recovers from his incapacity as the case may be.

(6) It shall be the duty of the Chairman or the person for the time being exercising the powers and performing the functions of the Chairman to convene the meetings of the Zilla Parishad so that

atleast one meeting of the Zilla Parishad is held in every ninety days. If the Chairman or such person fails to discharge that duty with the result that no meeting is held within the said period of ninety days or within thirty days following such period he shall with effect from the date of expiration of thirty days aforesaid cease to be the Chairman or as the case may be cease to exercise the powers and perform the functions of the Chairman, unless such cessation has otherwise occurred before that date, and for a period of one year from that date he shall not be eligible to be elected as Chairman or to exercise the powers and perform the functions of the Chairman:

Provided that in reckoning any such period of ninety days or the period of thirty days following such period as the case may be referred to above any public holiday shall be excluded.

(7) Where the District Collector is satisfied that the chairman or the person for the time being exercising the powers and performing the functions of the Chairman has ex-facie ceased to be the Chairman or as the case may be ceased to exercise the powers and functions of the Chairman under sub-section (6) he shall forthwith intimate that fact by registered post to the chairman or such person.

**Rights of individual members to draw attention in respect of Zilla Parishad works.**

194. Any member of a Zilla Parishad may draw the attention of the Chairman or Chief Executive Officer of the Zilla Parishad to any neglect in the execution of Zilla Parishad work to any waste of

Parishad property or to the needs of any locality and may suggest any improvement which may appear desirable.

195. (1) The Government may, at any time create such posts of officers and other employees of a Zilla Parishad as they may consider necessary for carrying out the purposes of this Act. Officers and other employees of the Zilla Parishad.

(2) All appointments to the posts created under sub-section (1) and transfer of the holders of such posts shall be made, subject ot the provisions of the Andhra Pradesh Public Employment (Regulation of Age of Superannuation) Act, 1984, the Andhra Pradesh (Regulation of Appointments to Public Services and Rationalisation of Staff Pattern and pay Structure) Act, 1994 and such rules as may be made under the proviso to article 309 of the Constitution. Act 23 of 1984. Act 2 of 1994.

(3) The Government shall pay, out of the Consolidated Fund of the State, the salaries, allowances, leave allowances, pension and contributions, if any towards the provident fund or of a pension cum-provident fund of the officers and other employees of a Zilla Parishad who hold any of the posts referred to in sub-section (1).

(4) The classification and methods of recruitment, conditions of service, pay and allowances and discipline and and conduct of the officer and other employees referred to in sub-section (1), shall be regulated in accordance with the provisions of the Andhra Pradesh Public Employment (Regulation of Age of Superannuation) Act, 1984, the Andhra Pradesh (Regulation of Appointments to Public Services and Rationalisation of Staff Pattern and Pay Structure) Act, 1994 and such rules as may be made under the proviso to article 309 of the Constitution. Until the rules in that behalf are so made, the law for the time being in force regulating the recruitment and conditions of service, pay and allowaances and discipline and conduct, applicable to such holder shall continue to apply to such holder.

Act 23 of 1984.

Act 2 of 1994.

(5) The Government, may from time to time, by order give such directions to any Parishad or any officer, authority or person thereof, as may appear to them to be necessary for the purpose of giving effect to the provisions of this section; and the Zilla Parishad, Officer, authority or person shall comply with all such directions.

**Allowances for attending meeting of a Zilla Parishad or a Standing Committee.**

196. (1) There shall be paid to the non-official members of a Zilla Parishad and a Standing Committee thereof such allowances as may be prescribed for attending a meeting of the Zilla Parishad or such committee.

(2) There shall be paid to the Chairman or Vice-Chairman of the Zilla Parishad in respect of their/his tours on duty, whether within or outside the district but not outside the State, such allowances as may be prescribed.

197. (1) All moneys received by the Zilla Parishad shall constitute a fund called the Zilla Parishad Fund and shall be applied for the purposes specified in this Act and for such other purposes and in such manner as may be prescribed.

**Funds of the Zilla Parishad.**

(2) All moneys received by the Zilla Parishad shall be lodged in the nearest Government Treasury.

(3) All orders or cheques against the Zilla Parishad Fund shall be signed by the Chief Executive Officer.

198. (1) The sources of income of Zilla Parishad shall consist of-

**Income and expenses of a Zilla Parishad**

(i) the Central or State Government funds allotted to the Zilla Parishad;

(ii) grants from All India bodies and institutions for the development of cottage, village and small scale industries and the like;

(iii) such share of the land cess or local cess, State taxes or fees as may be prescribed;

(iv) proceeds from taxes or fees which the Zilla parishad; may, under any law, levy;

(v) income from endowments or trusts administered by the Zilla Parishad;

(vi) such income of the District Board as the Government may by order, allocate to it;

(vii) donations and contributions from the Mandal Parishads or from the public in any form;

(viii) such contributions as the Zilla Parishad may levy from the Mandal Parishad with the previous approval of the Government;

(ix) any other income from remunerative enterprises and the like.

(2) The Government shall also make an annual grant at the rate of two rupees per person residing in the District calculated on the basis of the last preceding census of which figures are available.

(3) The expenses of the Zilla Parishad shall include the salaries and allowances of its officers and other employees, the allowances to be paid under section 189 and section 196, any item of expenditure dircted by the Government for carrying out the purposes of this Act and such other expenses as may be necessary for such purposes.

**The Budget of the Zilla Parishad.**

199. (1) The Chief Executive Officer shall in each year, frame and place before the prescribed date, a budget showing the probable receipts and expenditure during the following year, and the Zilla Parishad shall sanction the budget, with such modifications, if any, as it thinks fit.

(2) The budget so sanctioned shall be submitted to the Government by the Chief Executive Officer through the Chairman on or before such date as may be fixed by the Government and if the Government are satisfied that adequate provision has not been made therein or that it is otherwise unsatisfactory for giving effect to the provisions of this Act, they shall have the power to approve the budget with such modifications as they may consider necessary to secure such provision.

(3) If, for any reason, the budget is not sanctioned by the Zilla Parishad under sub-section (1) before the date referred to in sub-section (2), the Chief Executive Officer shall submit the budget to the Government who shall thereupon approve the budget as if it were submitted to them under sub-section (2).

(4) If, in the course of a year, the Zilla Parishad finds it necessary to make any alterations in the budget with regard to its receipts or items of expenditure a revised or supplemental budget may be framed, submitted and sanctioned or approved as far as may be, in the manner provided in sub-sections (1), (2) and (3).

## PART-V
## CONSTITUTION OF STATE ELECTION COMMISSION CONDUCT OF ELECTION: AND ELECTION OFFICERS

### CHAPTER-I
### ELECTION COMMISSION AND CONDUCT OF ELECTIONS

**Constitution of State Election Commission.**

200 (1) There shall be constituted a State Election Commission for the superintendence, direction and control of the preparation of electoral rolls for, and the conduct of elections to, all the Panchayat Raj Institutions governed by this Act.

(2) The said Election Commission shall consist of a State Election Commissioner. The Governor on the recommendation of the Government shall appoint a person who is holding or who has held an office not less in rank than that of a Principal Secretary to Government as State Election Commissioner.

(3) The conditions of service and tenure of office of the State Election Commissioner shall be such as the Governor may by rule determine:

Provided that the State Election Commissioner shall not be removed from his office except in like manner and on the like grounds as a Judge of a High Court and the conditions of service of the State Election Commissioner shall not be varied to his disadvantage after his appointment.

**Powers and functions of the State Election Commissioner.** 201. (1) All elections to the Panchayat Raj Institutions shall be held under the supervision and control of the State Election Commission and for this purpose it shall have power to give such directions as it may deem necessary to the Commissioner, District Collector or any officer or servant of the Government and the Panchayat Raj institutions so as to ensure efficient conduct of the elections under this Act.

(2) The preparation of electoral rolls for the conduct of all elections under the Act shall be done under the supervision and control of the State Election Commission.

(3) For the purposes of this section the Government shall provide the State Election Commission with such staff as may be necessary.

(4) On the request of the State Election Commission, the State Government shall place at the disposal of the Commission such staff of the State Government, Gram Panchayats, Mandal Parishads and Zilla Parishads for the purpose of conduct of elections under this Act.

(5) The State Election Commissioner may, subject to control and revision, delegate his powers to such officers as he may deem necessary.

Symbols for elections under the Act.

202. The State Election Commission shall, by notification, specify the symbols that may be chosen by candidates contesting any election under this Act and the restrictions to which their choice shall be subject;

Provided that the State Election Commission shall not allot to any contesting candidate any symbol reserved for a recognised political party by the Election Commission of India.

**Explanation:-** In this section, the term "recognised political party" shall have the meaning assigned to it in the Election Symbols (Reservation and Allotment) Order, 1968, issued under article 324 of the Constitution of India.

Reservation of offices to cease after 25th January, 2000.

203. The provisions of this Act relating to reservation of offices of Sarpanch, President and Chairman and members of the Gram Panchayats, Mandal Parishads and Zilla Parishads for the scheduled Castes and Schedule Tribes shall cease to have effect after the twenty-fifth January, 2000.

Injunctions not to be granted in election proceedings.

Central Act 5 of 1908.

204. Notwithstanding anything in the Code of Civil Procedure, 1908, or in any other law for the time being in force, no court shall grant any permanent or temporary injunction or make any interim order restraining any proceeding which is being or about to be taken under this Act for the preparation or publication of any electoral roll or for the conduct of any election.

**Requisitioning of premises for election purposes.**

205. (1) If it appears to the State Election Commissioner that in connection with any election held under this Act,-

(a) any premises are needed for or likely to be needed for the purpose of being used as a polling station or for the storage of ballot boxes after a poll has been taken, or

(b) any vehicle is needed or is likely to be needed for the purpose of transport of personnel or ballot boxes to or from any polling station, or transport of members of the police force for maintaining order during the conduct of such election, or transport of any officer or other person for performance of any duties in connection with such election, the State Election Commissioner may, by order in writing, requisition such premises or such vehicle, as the case may be, and may make such further orders as may appear to him to be necessary or expedient, in connection with the requisitioning:

Provided that no vehicle which is being lawfully used by a candidate—or his agent for any purpose, connected with election of such candidate shall be requisitioned under this sub-section until the completion of the poll at such election.

(2) The requisition shall be effected by an order in writing addressed to the person deemed by the State Election Commissioner to be the owner or person in possession of the property and such order shall be served in the prescribed manner on the person to whom it is addressed.

(3) Whenever any premises is requisitioned under sub-section (1), the period of such requisition shall not extend beyond the period for which such property is required for any of the purposes mentioned in that sub-section.

Explanation:- For purposes of this section 'premises' means any land, building or part of a building and includes a hut, shed or other structure or any part thereof and 'vehicle' means any vehicle used or capable of being used for the purpose of road transport, whether propelled by mechanical power or otherwise.

**Payment of compensation.**

206. (1) Whenever in pursuance of section 205, the State Election Commissioner requisitions any premises, there shall be paid to the person interested compensation the amount of which shall be determined by taking into consideration the following, namely:-

(i) the rent payable, in respect of the premises or if no rent is so payable, the rent payable for similar premises in the locality;

(ii) if in consequence of the requisition of the premises the person interested is compelled to change his residence or place of business, the reasonable expenses if any incidental to such change:

Provided that where any person interested being aggrieved by the amount of compensation so determined makes an application within the prescribed time to the State Election Commissioner for referring the matter to an arbitrator, the amount of compensation to be paid shall be such as the arbitrator appointed in this behalf by the State Election Commissioner may determine:

Provided further that where there is any dispute as to the title to receive the compensation or as to the apportionment of the amount of compensation, it shall be referred by the State Election Commissioner

to an arbitrator appointed in this behalf by the said Commissioner for determination, and shall be determined in accordance with the decision of such arbitrator.

**Explanation:-** In this sub-section, the expression "person interested" means the person who was in actual possession of the premises requisitioned under section 205 immediately before the requisition or where no person was in such actual possession, the owner of such premises.

(2) Whenever in pursuance of section 205, the State Election Commissioner reqisitions any vehicle, there shall be paid to the owner thereof compensation the amount of which shall be determined by the State Election Commissioner on the basis of the fares or rates prevailing in the locality for the hire of such vehicle:

Provided that where the owner of such vehicle, being aggrieved by the amount of compensation so determined, makes an application within the prescribed time to the State Election Commissioner for referring the matter to an arbitrator, the amount of compensation to be paid shall be such as the arbitrator appointed in this behalf by the State Election Commissioner may determine:

Provided further that where immediately before the requisitioning, the Vehicle was by virtue of a hire purchase agreement, in the possession of a person, other than the owner, the amount determined under this sub-section as the total compensation payable in respect of the requisition shall be apportioned between that person and the owner in such manner as they may agree upon, and in default of agreement, in such manner as the arbitrator appointed by the State Election Commissioner in this behalf may decide.

207. The State Election Commissioner may with a view to requisitioning any property under section 205 or determining the compensation payable under section 206 by order, require any person to furnish to such authority as may be specified in the order, such information in his possession relating to such property as may be specified.

**Power to obtain information.**

208. (1) Any person remaining in possession of any requisitioned premises in contravention of any order made under section 205 may summarily be evicted from the premises by an officer empowered by the State Election Commissioner in this behalf.

**Eviction from requisitioned premises.**

(2) Any officer so empowered may, after giving to any woman not appearing in public, reasonable warning and facility to withdraw, remove or open any lock or bolt or break open any door of any building or do any other act necessary for effecting such eviction.

209. If any person contravenes any order made under section 205 or section 207 he shall be punishable with imprisonment for a term which may extend to one year or with fine or with both.

**Penalty for contravention of any order regarding requisitioning.**

210. (1) Any officer or staff employed in connection with the preparation, revision and correction of the electoral rolls for, and the conduct of all elections shall be deemed to be on deputation to the State Election Commission for the period during which they are so employed and such officers and staff shall during that period, be subject to the control, superintendence and discipline of the State Election Commission.

**Electoral officers and staff etc., deemed to be on deputation.**

(2) The Returning Officer, Assistant Returning Officer, Presiding Officer, Polling Officer and any other officer appointed under this Act, and any police officer designated for the time being by the State Government for the conduct of any elections shall be deemed to be on deputation to the State Election Commission for the period commencing on and from the date of notification calling for such elections and ending with the date of declaration of the results of such elections and such officer shall, during that period, be subject to the control, superintendence and discipline of the State Election Commission.

## CHAPTER-II

## ELECTION OFFENCES

**Corrupt practices.** 211. The following shall be deemed to be corrupt practices for the purposes of this Act:-

(1) Bribery, that is to say,-

(A) any gift, offer or promise by a candidate or his agent or by any other person with the consent of a candidate or his election agent, of any gratification, to any person whomsoever, with the object, directly or, indirectly of inducing-

(a) a person to stand or not to stand as or to withdraw or not to withdraw from being a candidate at an election, or

(b) an elector to vote or refrain from voting at an election, or as a reward to-

(i) a person for having so stood or not stood, or for having withdrawn or not having withdrawn his candidature, or

(ii) an elector for having voted or refrained from voting;

(B) the receipt of or agreement to receive, any gratification, whether as a motive or a reward-

(a) by a person for standing or not standing as or for withdrawing or not withdrawing from being a candidate, or

(b) by any person whomsoever for himself or any other person for voting or refraining from voting or inducing or attempting to induce any elector to vote or refrain from voting, or any candidate to withdraw or not to withdraw his candidature.

**Explanation:-** For the purposes of this clause the term "gratification" is not restricted to pecuniary gratification or gratifications estimable in money and it includes all forms of entertainment and all forms of employment for reward but it does not include the payment of any expenses bonafide incurred at, or for the purpose of any election and duly entered in the account of election expenses.

(2) Undue influence, that is to say, any direct or indirect interference or attempt to interfere on the part of the candidate or his agent, or of any other person with the consent of the candidate or his election agent with the free exercise of any electoral right:

Provided that-

(a) without prejudice to the generality of the provisions of this clause any such person as is referred to thereon, who-

(i) threatens any candidate or any elector or any person in whom a candidate or an elector is interested, with injury of any kind including social ostracism and ex-communication or expulsion from any caste or community; or

(ii) induces or attempts to induce a candidate or an elector to believe that he, or any person in whom he is interested will become or will be rendered an object of divine displeasure or spiritual censure, shall be deemed to interfere with the free exercise of the electoral right of such candidate or elector within the meaning of this clause;

(b) a declaration of public policy, or a promise of public action, or the mere exercise of a legal right without intent to interfere with an electoral right, shall not be deemed to be interference within the meaning of this clause.

(3) The appeal by a candidate or his agent or by any other person with the consent of a candidate or his election agent to vote or refrain from voting for any person on the ground of his religion, race, caste community or language or the use of, or appeal to religious symbols or the use of, or appeal to national symbols such as the national flag or the national emblem, for the furtherance of the prospecus of the election of that candidate or for prejudically affecting the election of any candidate:

Provided that no symbol allotted under this Act to a candidate shall be deemed to be a religious symbol or a national symbol for the purposes of this clause.

(4) The promotion of, or attempt to promote feelings of enemity or hatred between different classes of the citizens of India on grounds of religion, race, caste, community, or language by a candidate, or his agent or any other person with the consent of a candidate or his election agent for the furtherance of the prospects

of the election of that candidate or of prejudicially affecting the election of any candidate.

(5) The publication by a candidate or his agent or by any other person, with the consent of a candidate or his election agent or any statement of fact which is false, and which he either believes to be false, or does not believe to be true in relation to the personal character or conduct of any candidate or in relation to the candidature, or withdrawal of any candidate, being a statement reasonably calculated to prejudice the prospects of that candidate's election.

(6) The hiring or procuring whether, on payment or otherwise of any vehicle or vessel by a candidate or his agent or by any other person with the consent of a candidate or his election agent, or the use of such vehicle or vessel for the free conveyance of any elector other than that the candidate himself the members of his family or his agent to or from any polling station:

Provided that the hiring of a vehicle or vessel by an elector or by several electors at their joint costs for the purpose of conveying him or them to and from any such polling station or place fixed for the poll shall not be deemed to be a corrupt practice under this clause if the vehicle or vessel so hired is a vehicle or vessel not propelled by mechanical power:

Provided further that the use of any public transport vehicle or vessel by any elector at his own cost for the purpose of going to or coming from any such polling station or place fixed for the poll shall not be deemed to be a corrupt practice under this clause.

**Explanation:**-In this clause, the expression "vehicle" means any vehicle used or capable of being used for the purpose of road transport, whether propelled by mechanical power or otherwise and whether used for drawing other vehicles or otherwise.

(7) The obtaining or procuring or abetting or attempting to obtain or procure by a candidate or his agent, or by any other person with the consent of a candidate or his election agent, any assistance (other than the giving of vote) for the furtherance of the prospects of that candidate's election, from any person in the service of the State, Central Government, local authority or a corporation owned or controlled by the State or Central Government:

Provided that where any person, in the service of the State or Central Government or a local authority in the discharge or purported to discharge of his official duty, makes any arrangements or provides any facilities or does any other act or thing, for to or in relation to, any candidate or his agent or any other person acting with the consent of the candidate or his election agent (whether by reason of the office held by the candidate or for any other reason), such arrangements, facilities or act or thing shall not be deemed to be assistance for the furtherance of the prospects of that candidate's election.

**Explanation:**- (1) In this section the expression agent includes an election agent, a polling agent, and any person who is held to have acted as an agent in connection with election with the consent of the candidate.

(2) For the purposes of clause(7) a person shall be deemed to assist in the

furtherance of the prospects of a candidate's election if he acts as an election agent of that candidate.

(3) For the purposes of clause(7) notwithstanding anything contained in any other law, the publication in the Andhra Pradesh Gazette of the appointment, resignation, termination of service, dismissal or removal from service of a person in the service of the Government shall be conclusive proof-

(i) of such appointment, resignation, termination of service, dismissal or removal from service, as the case may be; and

(ii) where the date of taking effect of such appointment, resignation, termination of service, dismissal or removal from service, as the case may be, is stated in such publication, also of the fact that such person was appointed with effect from the said date, or in the case of resignation, termination of service, dismissal or removal from services, such person ceased to be in such service with effect from the said date.

**Punishment for corrupt practice.**

212. If any person is guilty of any such corrupt practices as specified in section 211 or in connection with an election he shall be punishable with imprisonment for a term which may extend to three years and with fine which may extend to three thousand rupees.

**Promoting enemity between classes in connection with election**

213. Any person who in connection with an election under this Act promotes or attempts to promote on grounds of religion, race, caste, community or language, feelings of enemity or hatred, between different classes of the citizens of India shall be punishable with imprisonment for a term which may extend to three years and with fine which may extend to three thousand rupees.

Prohibition of public meetings on the day preceding the pre-election day and on the election day.

214. (1) No person shall convene, hold or attend any public meeting in any polling area during the period of sixty hours prior to the hour fixed for the commencement of the poll for any election in that polling area.

(2) Any person who convenes or holds a public meeting in contravention of the provisions of sub-section(1) shall be punishable with imprisonment which may extend to three years and with fine which may extend to three thousand rupees.

Disturbance at election meetings.

215. (1) Any person who at a public meeting to which this section applies acts or incites others to act in a disorderly manner for the purpose of preventing the transaction of the business for which the meeting was called together, shall be punishable with fine which may extend to two hundred and fifty rupees.

(2) This section applies to any public meeting of a political character held in any constituency between the date of the issue of notification under this Act calling upon the constituency to elect a member or members or office bearers of a local authority and the date on which such election is held.

(3) If any police officer reasonably suspects any person of committing an offence under sub-section(1) he may, if requested to do by the chairman of the meeting require that person to declare to him immediately his name and address and, if that person refuses or fails so to declare his name and address or if the police officer reasonably suspects him of giving a false name or address, the police officer may arrest him without warrant.

Restrictions on the printing of pamphlets, posters etc.,

216. (1) No person shall print or publish or cause to be printed or published, any election pamphlet or poster which does not bear on its face the names and addresses of the printer and the publisher thereof.

six months, or with fine which may extend to two thousand rupees, or with both.

217. (1) Every officer, clerk, agent or other person who performs any duty in connection with the recording or counting of votes at an election shall maintain, and aid in maintaining, the secrecy of the voting and shall not (except for some purpose authorised by or under any law) communicate to any person any information calculated to violate such secrecy. Maintenance of secrecy of voting.

(2) Any person who contravenes provisions of sub-section(1)shall be punishable with imprisonment for a term which may extend to three months or with fine or with both.

218. (1) No person who is a District Election Officer or a returning officer, or an assistant returning officer, or a presiding officer or polling officer at an election, or an officer or clerk appointed by the returning officer or the presiding officer to perform any duty in connection with an election shall in the conduct or the management of the election do any act other than the giving of vote for the furtherance of the prospects of the election of a candidate. Officers etc, at elections not to act for candidates or to influence voting.

(2) No such person as aforesaid, and no member of a police force, shall endeavour,-

(a) to persuade any person to give his vote at an election, or

(b) to dissuade any person from giving his vote at an electioin, or

(c) to influence the voting of any person at an election in any manner.

(3) Any person who contravenes the provisions of sub-section(1) or sub-section (2) shall be punishable with imprisonment

(2) No person shall print or cause to be printed any election pamphlet or poster,-

(a) unless a declaration as to the identity of the publisher thereof, signed by him and attested by two persons to whom he is personally known, is delivered by him to the printer in duplicate; and

(b) unless, within a reasonable time after the printing of the document, one copy of the declaration is sent by the printer, together with one copy of the document,-

(i) where it is printed in the capital of the State, to the Election Commissioner, and

(ii) in any other case, to the District Magistrate of the district in which it is printed.

(3) For the purpose of this section,-

(a) any process for multiplying copies of a document other than copying it by hand, shall be deemed to be printing and the expression 'printer' shall be construed accordingly; and

(b) "election pamphlet or poster" means any printed pamphlet, hand-bill or other document distributed for the purpose or promoting or prejudicing the election of a candidate or group of candidates or any playcard or poster having reference to an election, but does not include any hand-bill, playcard or poster merely announcing the date, time, place and other particulars of an election meeting or routine instructions to election agents or workers.

(4) Any person who contravenes any of the provisions of sub-section(1) or sub-section(2) shall be punishable with imprisonment for a term which may extend to

which may extend to six months or with fine or with both.

219. (1) No person shall, on the date or dates on which a poll is taken at any polling station, commit any of the following acts within the polling station or in any public or private place within a distance of one hundred metres of the polling station, namely:-

**Prohibition of canvassing in or near polling stations.**

(a) canvassing for votes; or

(b) soliciting the vote of any elector; or

(c) persuading any elector not to vote for any particular candidate; or

(d) persuading any elector not to vote at the election; or

(e) exhibiting any notice or signs (other than an official notice) relating to the election.

(2) Any person who contravenes the provisions of sub-section (1) shall be punished with fine which may extend to two hundred and fifty rupees.

220. (1) No person shall, on the date or dates on which a poll is taken at any polling station,-

**Penalty for disorderly conduct in or near polling stations.**

(a) use or operate within or at the entrance of the polling station, or in any public or private place in the neighbourhood thereof, any apparatus for amplifying or reproducing the human voice, such as a megaphone or a loudspeaker, or

(b) shout, or otherwise act in a disorderly manner within or at the entrance of the polling station or in any public or private place in the neighbourhood thereof, so as to cause annoyance to any person visiting the polling station for the poll,

or so as to interfere with the work of the officers and other persons on duty at the polling station.

(2) Any person who contravenes, or wilfully aids or abets the contravention of the provisions of sub-section (1) shall be punishable with imprisonment which may extend to three months or with fine or with both.

(3) If the presiding officer of a polling station has reason to believe that any person is committing or has committed an offence punishable under this section, he may direct any police officer to arrest such person, and thereupon the police officer shall arrest him.

(4) Any police officer may take such steps, and use such force as may be reasonably necessary for preventing any contravention of the provisions of sub-section (1), and may seize any apparatus used for such contravention.

**Penalty for misconduct at the polling station.**

221. (1) Any person who during the hours fixed for the poll at any polling station misconducts himself or fails to obey the lawful directions of the presiding officer may be removed from the polling station by the presiding officer or by any police officer on duty or by any person authorised in this behalf by such presiding officer.

(2) The powers conferred by sub-section(1) shall not be exercised so as to prevent any elector who is otherwise entitled to vote at a polling station from having opportunity of voting at that station.

(3) If any person who has been so removed from polling station re-enters the polling station without the permission of the presiding officer he shall be punishable

with imprisonment for a term which may extend to three months, or with fine, or with both.

222. (1) If any person to whom this section applies is without reasonable cause guilty of any act or omission in breach of his official duty, he shall be punishable with fine which may extend to five hundred rupees.

Breaches of official duty in connection with elections.

(2) No suit or other legal proceedings shall lie against any such person for damages in respect of any such act or omission as aforesaid.

(3) The persons to whom this section applies are the District Election Officers, returning officers, assistant returning officers, presiding officers, polling officers and any other person appointed to perform any duty in connection with the receipt of nominations or withdrawal of candidatures, or the recording or counting of votes at an election and the expression "official duty" shall for the purposes of this section be construed accordingly but shall not include duties imposed otherwise than by or under this Act.

223. If any person in the service of the State or Central Government or a local authority or a Corporation owned or controlled by the State or Central Government acts as an election agent or a polling agent or counting agent of a candidate at an election he shall be punishable with imprisonment for a term which may extend to three months, or with fine or with both.

**Penalty for Government servants etc. for acting as election agent, polling agent, or counting agent.**

224. Whoever commits an offence of both capturing shall be punishable with imprisonment for a term which may extend to five years and with fine which may extend to five thousand rupees.

**Offence of booth capturing.**

**Explanation:-** For the purposes of this section "Booth capturing" includes, among other things, all or any of the following activities, namely:-

(a) seizure of a polling station by any person or persons, making polling authorities surrender the ballot papers or voting machines and doing of any other act which affects the orderly conduct of elections;

(b) taking possession of a polling station by any person or persons and allowing only his or their own supporters to exercise their right to vote and prevent others from voting;

(c) threatening any elector and preventing him from going to the polling station to cast his vote;

(d) seizure of a place for counting of votes by any person or persons, making the counting authorities surrender the ballot papers or voting machines and the doing of anything which affects orderly counting of ballot papers;

(e) taking possession of a place for counting of votes;

(f) doing by any person in the service of Government of all or any of the aforesaid activities or aiding or conniving at any such activity in the furtherance of the prospects of the election of a candidate.

**Removal of ballot papers or ballot boxes from polling stations to be an offence.**

225. (1) Any person who at any election fradulently takes or attempts to take a ballot paper or ballot box out of polling station, or wilfully aids or abets the doing or any such act shall be punishable with imprisonment for a term which may extend to five years and with fine which may extend upto five thousand rupees.

(2) If the presiding officer of a polling station has reason to believe that any person is committing or has committed an offence punishable under sub-section(1), such officer may, before such person leaves the polling station arrest or direct a police officer to arrest such person and such person may cause him to be searched by a police officer:

Provided that when it is necessary to cause a woman to be searched the search shall be made by another woman with strict regard to decency.

(3) Any ballot paper found upon the person arrested on search shall be made over for safe custody to a police officer by the presiding officer or when the search is made by a police officer, shall be kept by such officer in safe custody.

**Impersonation at elections.**

226. Whoever at an election applies for a ballot paper or votes in the name of any other person, whether living or dead or in a fictitious name, or who having voted once at such election applies at the same election for a ballot paper in his own name, and whoever abets, procures or attempts to procure the voting by any person in any such way shall be punished with imprisonment for a term which may extend to five years and with fine which may extend to five thousand rupees.

**Other offences and penalties thereunder.**

227. (I) A person shall be guilty of an electoral offence if at any election he,-

(a) fraudulently defaces or fraudulently destroys any nomination paper; or

(b) fraudulently defaces or destroys or removes any list, notice or other document affixed by or under the authority of a returning officer; or

(c) fraudulently defaces or fradulently destroys any ballot paper or the official mark or any ballot paper or any declaration of identity or official envelope used in connection with voting by postal ballot; or

(d) without due authority supplies any ballot paper to any person or receives any ballot paper from any person or is in possession of any ballot paper; or

(e) fraudulently puts into any ballot box anything other than the ballot paper which he is authorised by law to put in; or

(f) without due authority destroys, takes, opens or otherwise interferes with any ballot box or ballot papers then in use for the purposes of the election; or

(g) fraudulently or without due authority as the case may be, attempts to do any of the foregoing acts or wilfully aids or abets the doing of any such acts.

(2) Any person guilty of an electoral offence under this section shall,-

(a) if he is a returning officer or an assistant returning officer or a presiding officer at a polling station or any other officer or clerk employed on official duty in connection with the election, be punishable with imprisonment for a term which may extend to two years or with fine or with both;

(b) if he is any other person, be punishable with imprisonment for a term which may extend to six months or with fine or with both.

(3) For the purposes of this section a person shall be deemed to be on official duty if duty is to take part in the conduct of an election or part of an election including the counting of votes or to be

responsible after an election for the used ballot papers and other documents in connection with such election, but the expression "official duty" shall not include any duty imposed otherwise than by or under this Act.

228. Whoever does any act in contravention of any of the provisions of this Act, or of any rule, notification or order made, issued or passed, thereunder and not otherwise provided for in this Act shall, on conviction, be punished with imprisonment which may extend to two years and with fine which may extend to two thousand rupees.

Penalty for offences not otherwise provided for.

229. (1) Where an offence under this Act, has been committed by a company, every person who at the time the offence was committed, was in charge of and was responsible to the company for the conduct of the business of the company as well as the company shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Offences by companies.

Provided that nothing contained in this sub-section shall render any such person liable to any punishment if he proves that the offence was committed without his knowledge or that he had exercised all due deligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1) where any offence under this Act has been committed by a company and it is proved that offence has been committed with the consent or connivance or is attributable to any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other official shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

**Explanation:-** For the purposes of this section,-

(a) "company" means any body corporate and includes a firm or other association of individuals; and

(b) "director" in relation to a firm means a partner in the firm.

**Disqualifications of persons convicted of election offences.**

230. Every person convicted of an offence punishable under this Chapter shall be disqualified from being elected in any election to which this Act applies for a period of six years from the date of his conviction.

## CHAPTER - III

## MISCELLANEOUS ELECTION MATTERS VACATION OF SEATS AND OFFICES

**Adjournment of poll or countermanding of election on the ground of booth capturing.**

231. (1) If at any election,-

(a) booth capturing has taken place at a polling station or in such number of polling stations as is likely to affect the result of such election or that the result of the poll at that polling station cannot be ascertained; or

(b) booth capturing takes place in any place for counting of votes in such a manner that the result of the counting at that place cannot be ascertained, the returning officer shall forthwith report the matter to the State Election Commissioner.

(2) The State Election Commissioner shall on the receipt of a report from the returning officer under sub-section(1) and after taking all material circumstances into account, either,-

(a) declare that the poll at that polling station be void, appoint a day, and fix the hours, for taking fresh poll

at that polling station and notify the date so appointed and hours so fixed in such manner as he may deem fit, or:

(b) if satisfied that in view of the large number of polling stations involved in booth capturing the result of the election is likely to be affected or that booth capturing had affected counting of votes in such manner as to effect the result of the election, countermand the election in that constituency.

**Explanation:** In this section "booth capturing" shall have the same meaning as in section 224.

**Power to delegate.**

232. The State Election Commissioner may, subject to such conditions and restrictions as the Government may, by general or special order, impose, by order in writing delegate to any officer or authority subordinate to him, either generally or as respects any particular matter or class of matters any of his powers under this Act.

**Election petitions.**

233. No election held under this Act shall be called in question except by an election petition presented to such authority and in accordance with such rules as may be made in this behalf.

**Prohibition of holding dual offices and vacation of seats.**

234. (1) No person shall be entitled to contest in the elections to the offices of member of the Gram Panchayat from more than one ward or to the office of member of the Mandal Parishad or Zilla Parishad from more than one territorial constituency.

(2) No person shall be a member of the Gram Panchayat, member of the Mandal Parishad or Zilla Parishad simultaneously and if he is so elected, he shall retain only one office and vacate the other office or offices in the manner prescribed.

(3) Where a person is elected to more than one office of member of the Gram Panchayat or Mandal Parishad or Zilla Parishad and /Sarpanch or President or Chairman he shall retain one office and vacate the other office or offices in the manner prescribed except when his continuance as member of the Mandal Parishad or Zilla Parishad is necessary to continue as President or as the case may be the Chairman thereof.

PART V

FINANCE COMMISSION

Constitution of Finance Commission.

235. (1) The Governor shall on the recommendation of the State Government constitute a Finance Commission as soon as may be within one year from the date of commencement of the Constitution (Seventy-third) Amendment Act, 1992 and thereafter on the expiration of every fifth year.

(2) The Finance Commission shall consist of a Chairman and four other members of whom one shall be the Member Secretary. The Governor shall by order appoint on the recommendation of the Government the Chairman and other members of the Commission.

(3) Th Government shall make available to the Finance Commission such staff as may be necessary for the discharge of the functions conferred on the Finance Commission.

236. The Chairman of the Commission shall be selected from among persons who have had experience in public affairs and the other members shall be selected from among persons who,- Qualifications for appointment as, and the manner of selection of, members of the Commission.

(a) have special knowledge of the finances and accounts of Government; or

(b) have had wide experience in financial matters and in administration; or

(c) have special knowledge of economics.

237. Before appointing a person to be a member of the Commission the Governor shall satisfy himself that the person will have no such financial or other interest as is likely to affect prejudicially his functions as a member of the Commission; and the Governor shall also satisfy himself from time to time with respect to every member of the Commission that he has no such interest and any person who is, or whom the Governor proposes to appoint to be a member of the Commission shall, wheneever required by the Governor so to do, furnish to him such information as the Governor considers necessary for the performance by him of his duties under this section. Personal interest to disqualify members.

Disqualifications for being a member of the Commission.

238. A person shall be disqualified for being appointed as, or for being a member of the Commission,-

(a) if he is of unsound mind;

(b) if he is an undischarged insolvent;

(c) if he has been convicted of an offence involving moral turpitude;

(d) if he has such financial or other interest as is likely to affect prejudicially his functions as a member of the Commission.

Term of office of members and eligibility for reappointment.

239. Every member of the Commission shall hold office for such period as may be specified in the order of the Governor appointing him, but shall be eligible for re-appointment:

Provided that he may, by letter addressed to the Governor, resign his office.

Conditions of service and salaries and allowances of members.

240. The members of the Commission shall render whole — time or part-time service to the Commission as the Governor may in each case specify, and there shall be paid to the members of the Commission such fees or salaries and such allowances as the State Government may, by rules made in this behalf, determine.

Functions of the Commission.

241. (1) The Finance Commission shall review the financial position of the Gram Panchayats, Mandal Parishads and Zilla Parishads and make recommendations to the Government as to,-

(a) the principles which should govern-

(i) the distribution between the State and the said Gram Panchayats and Parishads of the net proceeds of the taxes, duties, tolls and fees leviable by the State, which may be divided between them and the allocation between the said

Gram Panchayats and Parishads at all levels of their respective shares of such proceedε

(ii) the determination of the taxes, duties, tolls and fees which may be assigned to or apportioned by, the said Gram Panchayats and Parishads;

(iii) the Grant-in-aid to the said Gram Panchayats and Parishads from the Consolidated Fund of the State;

(b) the measures needed to improve the financial position of the said Gram Panchayats and Parishads .

(2) The Government shall cause every recommendation made by the Commission under this section together with an explanatory memorandum as to the action taken thereon to be laid before the Legislature of the State.

Procedure and powers of the Commission.

Central Act 5 of 1908.

242. (1) The Commission shall determine their procedure and in the performance of their functions shall have all the powers of a Civil Court under the Code of Civil Procedure, 1908 while trying a suit in respect of the following matters, namely:-

(a) summoning and enforcing the attendance of witnesses;

(b) requiring the production of any document;

(c) requisitioning any public record from any court or office.

(2) The Commission shall have power to require any person to furnish information on such points or matters as in the opinion of the Commission may be useful for, or relevant to, any matter under the consideration of the Commission and any

person so required shall, notwithstanding anything contained in sub-section (2) of section 54 of the Indian Income-Tax Act, 1922 or in any other law for the time being in force, be deemed to be legally bound to furnish such information within the meaning of section 176 of the Indian Penal Code.

Cental Act 2 of 1922.

Central Act 45 of 1860.

(3) The Commission shall be deemed to be a Civil Court for the purposes of section 345(1) and 346 of the code of Criminal Procedure, 1973.

Central Act 2 of 1974.

Explanation:- For the purposes of enforcing the attendance of witnesses, the local limits of the Commission's jurisdiction shall be the limits of the territory of the State of Andhra Pradesh.

## PART - VII
## MISCELLANEOUS

Transfer of powers and functions of District Board to Mandal Parishads and Zilla Parishads.

243. (1) Notwithstanding anything in the relevant District Boards Act or any other law, the Government may, by notification and subject to such control, restrictions, conditions and reservations as may be specified therein, direct that any powers exercisable or functions performable by a District Board by or under the relevant District Boards Act or any other law for the time being in force including the powers to levy any tax or fees, shall be transferred to a Mandal Parishad or a Zilla Parishad and thereafter the Mandal Parishad or the Zilla Parishad as the case may be, shall exercise and perform the powers and functions transferred to it.

(2) When any powers and functions of the District Board are transferred to a Mandal Parishad or a Zilla Parishad under sub-section (1), all references in the relevent District Boards Act or any other law for the time being in force to the District Board with reference to such powers and functions shall be construed as refereneces to the Mandal Parishad or the Zilla Parishad as the case may be.

244. (1) The Government may, by notification, direct that such of the provisions of the relevant District Boards Act, including the provisions relating to the levy and collection of any tax or fee as may be specified in such notification, shall apply to the Mandal Parishad and the Zilla Parishad constituted under this Act.

Application of the relevant District Boards Act to Mandal Parishads and Zilla Parishads.

For the purpose of facilitating the application of these provisions to the Mandal Parishad and Zilla Parishad constituted under this Act, the Government may, by notification, make such adaptations and modifications of the relevant District Boards Act and the rules made thereunder whether by way of repealing, amending or suspending any provision thereof, as may be necessary or expedient and thereupon the relevant District Boards Act and the rules made thereunder shall have effect subject to the adaptations and modifictions so made.

(2) Notwithstanding that no provision or insufficient provision has been made under sub-section (1) for the adaptations of the provisions of the relevant District Boards Act, or the rules made thereunder, any court, tribunal or authority required or empowered to enforce these provisions may, for the purpose of facilitating their application to any Mandal Parishad or the Zilla Parishad construe these provisions in such manner, without affecting the substance, as may be necessary or proper in regard to the matter before the court, tribunal or authority.

245. (1) A motion expressing want of confidence in the Upa-Sarpanch or President or Vice-president or Chairman or Vice-Chairman may be made by giving a written notice of intention to move the motion in such form and to such authority as may be prescribed, signed by not less than one-half of the total number of

Motion of no confidence in Upa-Sarpanch, President or Chairman.

members of the Gram Panchayat, Mandal Parishad, or as the case may be the Zilla Parishad and further action on such notice shall be taken in accordance with the procedure prescribed:

Provided that no notice of motion under this section shall be made within two years of the date of assumption of office by the person against whom the motion is sought to be moved:

Provided further that no such notice shall be made against the same person more than once during his term of office.

**Explanation:-** For the removal of doubts, it is hereby declared that for the purpose of this section the expression "total number of members" means, all the members who are entitled to vote in the election to the office concerned inclusive of the Sarpanch, President or Chairman but irrespective of any vacancy existing in the office of such members at the time of meeting:

Provided that a suspended office-bearer or member shall also be taken into consideration for computing the total number of members and he shall also be entitled to vote in a meeting held under this section.

(2) if the motion is carried with the support of not less than two thirds of the total number of members in the case of a Upa-Sarpanch, the Commissioner shall and in the case of the President or Vice-president or the Chairman or Vice-Chairman, the Government shall by notification remove him from office and the resulting vacancy shall be filled in the same manner as a casual vacancy.

246. (1) The Government may either suo motu or on a reference made to them by the Executive Officer or Mandal Parishad Development Officer or as the case may be, the Chief Executive Officer, in the manner prescribed by order in writing cancel any resolution passed by a Gram Panchayat Mandal Parishad or a Zilla Parishad or any standing Committee of a Zilla Parishad if in their opinion such resolution,

**Power to cancel or suspend resolution of a Gram Panchayat, Mandal Parishad or a Zilla Parishad.**

(a) is not legally passed; or

(b) is in excess or abuse of the powers conferred by or under this Act, or any other law; or

(c) on its execution is likely to cause danger to human life, health or safety or is likely to lead to a riot or affray.

(2) The Government shall, before taking action under sub-section (1), give the Gram Panchayat, Mandal Parishad or the Zilla Parishad as the case may be, an opportunity for explanation.

(3) If in the opinion of the District Collector, immediate action is necessary to suspend a resolution on any of the grounds referred to in clause (c) of sub-section (1), he may make a report to the Government and the Government may, by order in writing, suspend the resolution.

247. (1). If at any time it appears to the Government that a gram panchayat or the Sarpanch thereof or the Mandal Parishad or the President therof or the Zilla Parishad or the Chairman thereof or any Standing Committee of the Zilla Parishad has made default in performing any function or discharging any duty imposed by or under this Act, or any relevant law for the time being in force, the Government may, by order in writing fix a period for performing such function or discharging such duty.

**Power of Government to take action in default of a Gram Panchayat, Mandal Parishad or a Zilla Parishad.**

(2) If such function or duty is not performed or discharged by any authority aforesaid within the period so fixed, the Government may appoint some person to perform that function or discharge that duty and may direct that the expense incurred in that regard shall be paid by the person having the custody of the Gram Panchayat Fund, Mandal Parishad Fund or the Zilla Parishad Fund, as the case may be, in priority to any other charges against such fund except charges for the service of authorised loans.

Power of Government to issue directions.

248. (1) Notwiithstanding anything contained in this Act, it shall be competent for the Commissioner or the Government to issue such directions as they may consider necessary to the Executive Authority, Mandal Parishad Development Officer or the Chief Executive Officer for the proper working of the Gram Panchayat, Mandal Parishad, or as the case may be, the Zilla Parishad or for the implementation of the resolutions therof and the Executive Authority, Mandal Parishad Development Officer or as the case may be, the Chief Executive Officer shall implement those directions,failing which, he shall be liable for disciplinary action under the relevant rules.

(2) The Sarpanch of the gram panchayat, the President of Mandal Parishad or as the case may be, the Chairman of the Zilla Parishad shall ensure that the Executive Officer, Mandal Parishad Development Officer or as the case may be, the Chief Executive Officer implements the directions issued by the Government under sub-section (1) and shall not do anything in derogation to the directions of the Government aforesaid. The Sarpanch, the President or the Chairman who contravenes the provisions of this section shall be deemed to have wifully omitted or refused

to carry out the orders of the Government for the proper working of the Gram Panchayat, Mandal Parishad or as the case may be, the Zilla Parishad within the meaning of section 249.

Powers of Government to remove Sarpanch, President or Chairman etc.,

249 (1) If in the opinion of the District Collector the Sarpanch or the Upa-sarpanch and in the opinion of the Government the President or the Vice-President or as the case may be, the Chairman or the Vice-Chairman,-

(i) wifully omitted or refused to carry out the orders of the Government for the proper working of the concerned local body; or

(ii) abused his position or the powers vested in him; or

(iii) is guilty of misconduct in the discharge of his duties; or

(iv) persistently defaulted in the performance of his functions and duties entrusted to him under the Act to the detriment of the functioning of the concerned local body or has become incapable of such performance:

the Collector or as the case may be, the Government, may remove such Sarpanch or Upa-Sarpanch, President or Vice-President or as the case may be the Chairman or the Vice-Chairman, after giving him an opportunity for explanation.

Provided that the proceedings initiated under this sub-section may be continued notwithstanding the fact that the Sarpanch or Upa-Sarpanch, President or Vice-President, or as the case may be, the Chairman or Vice-Chairman ceased to hold office by resignation or other-wise and shall be concluded within two years from the date of such cessation and where on such con-

clusion the authority competent to remove him, records a finding after giving an opportunity of making a representation to the person concerned that the charge or charges proved against him are sufficient for his removal, then the provision of sub-section (3) shall apply to the person against whom such finding is recorded.

(2) Where the Sarpanch or Upa-Sarpanch the President or the Vice-President or the Chairman or Vice-Chairman is removed under sub-section (1) the vacancy shall, subject to the provisions of sub-section (3) be filled as casual vacancies.

(3) A Sarpanch or Upa-Sarpanch, a President or a Vice-President or Chairman or Vice-Chairman removed from his office under this section shall not be eligible for re - election as Sarpanch or Upa-Sarpanch, President or Vice-President or Chairman or Vice-Chairman for a period of two years from the date of the removal.

(4) If the District Collector is satisfied that any elected member of the Gram Panchayat or the Government are satisfied that any elected member of a Mandal Parishad or Zilla Parishad is guilty of any misconduct while acting or purporting to act in the discharge of his duties, or in the performance of the functions, under this Act, the District Collector or as the case may be, the Government may, by order, remove such member, after giving him an apportunity for explanation, and any member so removed shall not be eligible for re-election as a member for a period of two years from the date of removal.

(5) Where a member of Gram Panchayat, Mandal Parishad or Zilla Parishad is removed under sub-section (4), the vacancy shall be filled in such manner and within such time as may be prescribed.

(6) If the District Collector is of the opinion that a Sarpanch or a Upa-Sarpanch or any member of a Gram Panchayat or the Government are of the opinion that any President or Vice-President or the Chairman or Vice-Chairman or any member of a Mandal Parishad or Zilla Parishad wilfully omitted or refused to carry out the orders of Government for the proper working of the concerned local body or abused his position or the powers vested in him, and that the further continuance of such person in office would be detrimental to the interests of the concerned local body or the inhabitants of the village, Mandal or District, the District Collector or as the case may be, Government may, by order, suspend such Sarpanch or Upa-Sarpanch or President or Vice-President or as the case may be, the Chairman or Vice-Chairman or member from office for a period not exceeding three months, pending investigation into the said charges and action thereon under the foregoing provisions of this section:

Provided that no order under this sub-section shall be passed unless the person concerned has had an opportunity of making a representation against the action proposed:

Provided further that it shall be competent for the Government to extend, from time to time, the period of suspension for such further period not exceeding three months, so however that the total period of suspension shall not exceed six months:

Provided also that a person suspended under this sub-section shall not be entitled to exercise the powers and perform the functions attached to his office and shall not be entitled to attend the meetings of the concerned local body except a meeting held for the consideration of a no-confidence motion.

(7) Any person aggrieved by an order of removal passed by the District Collector under sub-section (1) or sub-section (4) may, within thirty days from the date of the order prefer an appeal to the Government and the Government may, pending a decision on such appeal, stay the order appealed against.

Powers of Government to dissolve Gram Panchayat, Mandal Parishad or Zilla Parishad.

250 (1) (i) If, at any time, it appears to the Government that a Gram Panchayat, Mandal Parishad or a Zilla Parishad is not competent to perform its functions or has failed to exercise its powers or perform its functions or has exceeded or abused any or the powers conferred upon it by or under this Act, or any other law for the time being in force, the Government may direct the gram panchayat, Mandal Parishad or as the case may be, Zilla Parishad to remedy such incompetency, failure, excess or abuse or to give a satisfactory explanation therefor and if the gram panchayat, Mandal Parishad or the Zilla Parishad fails to comply with such direction, the Government may dissolve it with effect from a specified date and reconstitute it either immediately or within six months from the date of dissolution, and cause any or all of the powers and functions of the gram panchayat, Mandal Parishad or the Zilla Parishad to be exercised and performed by such person or authority as the Government may appoint in that behalf during the period of its dissolution and any person or authority so appointed may, if the Government so direct, receive remuneration for the services rendered from the funds of the gram panchayat, Mandal Parishad or the Zilla Parishad as the case may be.

(ii) With effect from the date specified for the dissolution of a gram panchayat, Mandal Parishad or Zilla Parishad under clause (i), all its members including its Sarpanch, Upa-Sarpanch, President or Vice-President and Chairman

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or Vice-Chairman, as the case may be, shall forthwith be deemed to have vacated their offices as such and they shall not be entitled to be restored to office after the expiration of the period of dissolution. The vacancies arising out of vacation of offices under this section shall be deemed to be casual vacancies and filled accordingly within a period of six months from the date of dissolution:

Porvided that no casual elections to fill the vacancies under this section shall be held where the remainder of the period for which the dissolved gram panchayat, Mandal Parishad or as the case may be, the Zilla Parishad would have continued had it not been dissolved is less than six months.

(2) The Government may, by notification, authorise the District Collector to exercise the powers of the Government under sub-section (1) in respect of gram panchayats.

(3) if, at any time it appears to the Government that a Standing committee of a Zilla Parishad is not competent to perform its functions or has failed to exercise its powers or perform its functions or has exceeded or abused any of the powers conferred upon it by or under this Act, or any other law for the time being in force, the Government may direct the Standing Committee to remedy such incompetency, failure, excess or abuse, or to give a satisfactory explanation therefor and if the Standing Committee fails to comply with such direction, the Government may dissolve the Standing Committee and direct the Zilla Parishad to re-constitute the dissolved Standing Committee immediately thereafter.

251. (1) No act of a gram panchayat shall be deemed to be invalid by reason only of a defect in the establishment of

**Acts of gram panchayats, Mandal Parishads and Zilla Parishads not to be invalidated by informality vacancy etc.**

such gram panchayat or on the ground that the Sarpanch, Upa-Sarpanch or any member of such gram panchayat was not entitled to hold, or continue in such office by reason of any disqualification or by reason of any irregularity or illegality in his election, as the case may be, or by reason of such act having been done during the period of any vancancy in the office of the Sarpanch, Upa-Sarpanch, or member of such gram panchayat.

(2) The provisions of sub-section (1) shall mutatis-mutandis apply to the acts of a Mandal Parishad or a Zilla Parishad or a Standing Committee thereof.

**Oath of allegiance.**

252. (1) Every person who is elected to be the Sarpanch or member of a Gram Panchayat or the President or member of a Mandal Parishad or the Chairman or member of a Zilla Parishad shall, before taking his seat make, at a special meeting or any other meeting of the Gram Panchayat, Mandal Parishad or the Zilla Parishad as the case may be, an oath or affirmation of his allegiance to the Constitution of India in the form prescribed.

(2) Any such Sarpanch, President or Chairman or member who fails to make, within three months of the date on which his term of office commences, or at one of the first three meetings held after the said date, whichever is later, the oath of affirmation laid down in sub-section (1) shall cease to hold his office and his seat shall be deemed to have become vacant.

(3) No such Sarpanch, President or Chairman or member shall take his seat at a meeting of the Gram Panchayat, Mandal parishad or, as the case may be, of the Zilla Parishad or do any act as such member unless he has made the oath of affirmation as laid down in this section.

(4) Where a person cease to hold office under sub-section (2), the Executive officer, the Mandal Parishad Development Officer, or, as the case may be, the Chief Executive Officer, shall report the same to the Gram Panchayat, Mandal Parishad or the Zilla Parishad at its next meeting and on application of such person made within thirty days of the date on which he has ceased to be Sarpanch, Persident or chairman or member under that sub-section the Gram Panchayat, Mandal Parishad or the Zilla Parishad may grant him further time which shall not be less than four months and not more than nine months for making the oath or affirmation and if he makes the oath or affirmation within the time so granted, he shall, notwithstanding anything in this Act, continue to hold his office.

(5) Where on an application made by a person who ceases to hold office under sub-section (2), the Government are satisfied that such person for reasons beyond his control, has not been able to make the oath or affirmation within the period specified in sub-section (2) or within further time, if any, granted to him under sub-section (4), they may by an order grant such further time as they deem fit to the person to make the oath or affirmation. If such person makes the oath or affirmation within the time granted he shall, notwithstanding anything in this Act, continue to hold his office.

253. (1) Every Mandal Parishad shall furnish to the Zilla Parishad and every Zilla Parishad shall furnish to the Government a report on its administration for each year, as soon as may be, after the close of such year, in such form and with such details as may be prescribed. The Mandal Parishad shall, while furnishing the report to Zilla Parishad as aforesaid send a copy thereof to the Government. Administration report.

(2) The Zilla Parishad shal[l] the administration report of e[ach] Parishad and forward it to the with its remarks.

Acts o[f] panchay[ats] Mandal [Pari]shads [or] Zilla [Pari]shads [not to] be inva[lidated] by info[rmality or] vacancy

(3) The report of the Manda[l] shall be prepared by the Manda[l] Development Officer and that of Parishad by its Chief Executi[ve] and the Mandal Parishad or Parishad shall consider and for[ward] the Zilla Parishad or the Gove[rnment] the case may be, with its thereon.

(4) The adiminstration repo[rt] Gram Panchayat shall be prepar[ed] Executive officer if there is there is no Executive Officer by Parishad Development Officer ha[ving] diction over the Gram Panchayat shall be forwarded to District Officer who shall process i[t] prescribed manner.

Oath alle[giance]

Recovery of sums due to the Gram Panchayats, Mandal Parishads or Zilla Parishads as arrears of land revenue.

254. Any sum due to, or re[coverable] by a gram panchayat, Mandal Pa[rishad] Zilla Parishad under this A[ct] recovered as if it were an arr[ear of land] revenue.

Power of entry of inspecting officers.

255. (1) Any officer or pers[on whom the] Government may empower in this enter on and inspect,-

(a) any immovable propert[y] work in progress under the con[trol of any] Gram Panchayat, Mandal Paris[had or] Zilla Parishad;

(b) any school, hospital, vaccination station, choultr[y] institution maintained by, or control of any Gram Panchay[at, Mandal] Parishad or Zilla Parishad and a[ny] registers or other documents k[ept in such] institution;

(c) the office of any Gram Panchayat, Mandal Parishad or Zilla Parishad and any records, registers or other documents kept therein.

(2) The Gram Panchayat, Mandal Parishad or the Zilla Parishad be bound to afford to the officer or person referred to in sub-section (1) such access at all reasonable times, to its property or premises and to all documents as may, in the opinion of such officer or person, be necessary to enable him to discharge his duties under the said sub-section.

**Power to call for records etc.**

256. The Government or any officer or person duly empowered by them in this behalf, may,—

(a) call for any record, register or other document in the possession or under the control of any Gram Panchayat, Mandal Parishad or Zilla Parishad;

(b) require any gram panchayat, Mandal Parishad or Zilla Parishad to furnish any return, plan, estimate, statement, account or statistics;

(c) require any gram panchayat, Mandal Parishad or Zilla Parishad to furnish any information or report on any matter connected with such Gram Panchayat, Mandal Parishad or Zilla Parishad; and

(d) record in writing for the consideration of any Gram Panchayat, Mandal Parishad or Zilla Parishad any observations, the Government, officer or person may think proper to make in regard to the proceedings or duties of such Gram Panchayat, Mandal Parishad or Zilla Parishad.

**Protection of acts done in good faith.**

257. No suit, prosecution or other legal proceedings shall be instituted against any person for anything which is,

in good faith, done or intended to be done under this Act or under the rules made thereunder.

**Chairman, President, Sarpanch etc, to be public servants.**

258. The Chairman, the Vice-Chairman or a member of a Zilla Parishad the President the Vice-President or a member of a Mandal Parishad, the Sarpanch, Upa-Sarpanch or member of a Gram Panchayat, the Chief Executive Officer, the Mandal Parishad Development Officer, the Executive Officer, or any officer or servant of a Zilla Parishad or a Mandal Parishad or the gram Panchayat shall be deemed to be a public servant, within the meaning of section 21 of Indian Penal Code.

Central Act 45 of 1860.

**Power of Mandal Parishad and Zilla Parishad to make bye-laws.**

259. (1) Subject to such rules as may be made a Mandal Parishad with the approval of the Zilla Parishad and the Zilla Parishad may, with the approval of the Government, make bye-laws for carrying out any of the purposes for which it is constituted.

(2) The Government shall have power to make rules regarding the procedure for making of bye-laws under this section, the publication thereof and the date on which they shall come into effect.

**Delegation of powers etc.**

260. (1) The Government may, by notification authorise any officer or person to exercise any of the powers vested in them by this Act except the power to make rules; and may in like manner withdraw such authority.

(2) The Commissioner or the District Collector may, by notification, authorise any officer or person to exercise any of the powers vested by or under this Act in the Commissioner or the District Collector as the case may be, and may in like manner withdraw such authority.

(3) The exercise of any power delegated under sub-section (1) or sub-section (2) shall be subject to such restrictions and conditions as may be prescribed or as may be specified in the notification and also to control and revision by the delegating authority, or where such authority is the Government, by such persons as may be empowered by the Government in this behalf. The Government shall also have power to control and revise the acts or proceedings of any persons so empowered.

(4) The exercise of any power conferred on the Commissioner or the District Collector by any of the provisions of this Act, including sub-sections (2) and (3) of this section, shall whether such power is exercised by the Commissioner or the District Collector himself or by any person to whom it has been delegated under sub-section (2), be subject to such restrictions and conditions as may be prescribed and also to control by the Government or by such person as may be empowered by them in this behalf. The Government shall also have power to control the acts or proceedings of any persons so empowered.

(5)(a) The State Election Commissioner, may by notification, authorise any officer or person to exercise in any local area in the revenue district in regard to any gram panchayat or all gram panchayats in that area, any of the powers vested in him by or under this Act, or in regard to any Mandal Parishad or Zilla Parishad in so far as it relates to the conduct of elections under this Act, and may, in like manner, withdraw such authority.

(b) The provisions of sub-section (3) and (4) shall apply, as far as may be, in regard to the power delegated under this sub-section.

(c) The State Election Commissioner may appoint such number of additional, joint, deputy or assistant election authorites, as it thinks fit to exercise such powers and perform such functions as are assigned by the State Election Commission.

(6) A Mandal Parishad or a Zilla Parishad or any person exercising or performing any powers or functions by or under the provisions of this Act may delegate its or his powers or functions in writing to any person or authority, subject to such restrictions, limitations and conditions as may be prescribed and also to control and revision by the Government:

Provided that the President of a Mandal Parishad or the Chairman of a Zilla Parishad shall not delegate his powers to any person or authority other than the Vice-President of the Mandal Parishad or the Vice-Chairman of the Zilla Parishad as the case may be, if he is in office.

**Power to transfer institutions and works.**

261. The Government may transfer any institution or work under their management or control to a Zilla Parishad or a Mandal Parishad and a Zilla Parishad may transfer any institution under its management or control to any Mandal Parishad or gram panchayat, subject to such conditions, limitations and restrictions as may be specified by the Government or the Zilla Parishad, as the case may be:

Provided that no such transfer shall be made unless the prior consent of the concerned Zilla Parishad, Mandal Parishad as the case may be, is obtained.

**Emergency powers of the Government, Commissioner and District Collector.**

262. (1) Subject to such control as may be prescribed, the Government, the Commissioner or the District Collector may, in cases of emergency, direct or provide for the execution of any work, or the doing of any act which a gram panchayat or executive authority is empowered to execute or do, and the immediate execution or doing of which is in his opinion necessary for the safety of the public, and may direct that the expense of executing such work or doing such act shall be paid by the person having the custody of the gram panchayat fund in priority to any other charges against such fund except charges for the service of authorised loans.

(2) The powers of the nature referred to in sub-section (1) may be exercised by the Government in the case of a Mandal Parishad or a Zilla Parishad subject to the variation that for the expression "executive authority", the expression "Mandal Parishad Development Officer" or as the case may be "Chief Executive Officer" and for the expression "Gram Panchayat Fund",, the expression "Mandal Parishad Fund" or as the case may be the "Zilla Parishad Fund" is substituted.

Control over electrical undertakings of Gram Panchayats.

263. The addministration by a gram panchayat of any undertaking for the generation, transmission, supply or use of electrical energy shall be subject to such control as may be prescribed, not inconsistent with the provisions of the Indian Electricity Act, 1910, or the Electricity (Supply) Act, 1948, as in force for the time being, the rules made under those Acts, and the terms of the licence granted thereunder to the gram panchayat.

Central Act 9 of 1910
Central Act 54 of 1948.

Power of Review and Revision by Government.

264. (1) The Government may, either suo motu or on application from any person interested, call for and examine the record of a gram panchayat, Mandal Parishad or a Zilla Parishad or of its Standing Committees or of any authority, officer or person, in respect of any proceeding to satisfy themselves as to regularity of such proceeding or the correctness, legality or propriety of any decision or orders passed therein and, if in any case, it appears to the Government that any such decision or order should be modified, annulled or reversed or remitted for reconsideration, they may pass orders accordingly:

Provided that the Government shall not pass any order prejudicial to any party unless such party has had an opportunity of making a representation.

(2) The Government may stay the execution of any such decision or order pending exercise of their powers under sub-section (1) in respect thereof.

(3) The Government may suo motu at any time or on an application received from any person interested within ninety days of the passing of an order under sub-

section(1), review any such order if it was passed by them under any mistake, whether of fact or of law, or in ignorance of any material fact. The provisions contained in the proviso to sub-secion (1) and in sub-section (2) shall apply in respect of any proceeding under this sub-section as they apply to a proceeding under sub-section (1).

(4) Every application preferred under sub-section (1) shall be accompanied by a fee of fifteen rupees.

**Liability of Sarpanch, President, Chairman etc, for loss, waste or mis-application of property.**

265. If, after giving the Sarpanch, Upa-Sarpanch, President, Vice-President, Chairman, Vice-Chairman or the executive authority, the Mandal Parishad Development officer, the Chief Executive Officer an opportunity of showing cause to the contrary, the Commissioner is satisfied that the loss waste or misapplications of any money or other property owned by or vested in the gram panchayat, Mandal Parishad, or as the case may be the Zilla Parishad is a direct consequence of misconduct or gross neglect, on the part of such person, the Commissioner may, by order in writing, direct such person to pay to the gram panchayat, Mandal Parishad or as the case may be, the Zilla Parishad before the date fixed by him, the amount required to reimburse it for such loss, waste or misapplication, unless such person proves that he had acted in good faith.

(2) If the amount is not so paid, the Commissioner shall cause it to be recovered as arrears of land revenue and credited to the fund of the Gram Panchayat, Mandal Parishad or as the case may be, Zilla Pariahad.

(3) An appeal shall lie within thirty days from any decision of the Commissioner under this section to the Government whose decision thereon shall be final.

Accounts and Audit

266. (1) The accounts of the Gram Panchayats, Mandal Parishad and Zilla Parishad shall be maintained in such manner and in such form as may be prescribed. The accounts maintained by the said local bodies shall be audited by the Director of State Audit appointed under section 3 of the Andhra Pradesh State Audit Act, 1989.

Act 9 of 1989.

(2) For the purpose of proper maintenance of accounts and matters connected therewith or incidental thereto, it shall be competent for the Director of State Audit to issue such directions as he deems necessary to the Chief Executive Officer, who shall ensure that the said directions are carried out by the said local bodies.

Assessments etc, not to be impeached.

267. (1) No assessment or demand made, and no charge imposed, under the authority of this Act, shall be impeached or affected by reasons of any clerical error or by reason of any mistake -

(a) in respect of the name, residence, place of business or occupation of any persons, or

(b) in the description of any property or thing, or

(c) in respect of the amount assessed, demanded or charged, provided that the provisions of this Act have in substance and effect been complied with;

and no proceedings under this Act shall, merely for defect in form be quashed or set aside by any Court.

(2) No suit shall be brought in any Court to recover any sum of money collected under the authority of this Act or to recover damages on account of assessment or collection of money made under the said authority:

Provided that the provisions of this Act have in substance and effect been complied with.

(3) No distraint or sale under this Act shall be deemed unlawful, nor shall any person making same be deemed a trespasser, on account of any error, defect, or want of form in the bill, notice, schedule, form, summons, notice of demand warrant of distraint, inventory or other proceeding relating thereto, if the provisions of this Act and of the rules and bye-laws made thereunder have in substance and effect been complied with:

Provided that every person aggrieved by any irregularity may recover satisfaction for any special damages sustained by him.

(4) Notwithstanding anything in the Code of Civil Procedure, 1908, or in any other law for the time being in force, no court shall grant any permanent or temporary injunction or make any interim orders restraining any proceeding which is being or about to be taken under this Act for the revision or amendment of the assessment books or restraining such revision or amendment from taking effect.

Central Act 5 of 1908.

## CHAPTER - VIII

## RULES, BYE-LAWS AND PENALTIES

Power of Government to make rules for the purposes of this Act.

268. (1) The Government shall, in addition to the rule making powers, conferred on them by any other provisions of this Act, have power to make rules generally to carry out all or any of the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, the Government may make rules -

(i) as to all matters under this Act, relating to electoral rolls or the conduct of elections, not expressly provided for in this Act, including deposits to be made by candidates standing for election and the

conditions under which such deposits may be forfeited, and the conduct of inquiries and the decision of disputes relating to electoral rolls or elections;

(ii) for the classification of backward classes into four categories on the basis of the extent of their social and educational backwardness, for purpose of reservation of seats and offices under this Act in their favour and to provide that, as far as practicable, the seats and offices reserved in favour of backward classes of citizens are equitably distributed among all categories;

(iii) as to the interpellation of the Sarpanch, President or Chairman by the members of the gram panchayat, Mandal Parishad or as the case may be of the Zilla Parishad and the moving of resolutions at meeting of a gram panchayat, Mandal Parishad or the Zilla Parishad;

(iv) as to the delegation of any function of a gram panchayat, Mandal Parishad or a Zilla Parishad respectively to the Sarpanch, President or Chairman or any member or officer of the gram panchayat, Mandal Parishad or Zilla Parishad or any employee of the State or Central Government;

(v) as to the transfer of allotments entered in the sanctioned budget of a gram panchayat, Mandal Parishad or Zilla Parishad from one head to another;

(vi) as to the estimates of receipts and expenditure, returns, statements and reports to be submitted by gram panchayat, Mandal Parishad or Zilla Parishad;

(vii) as to the accounts to be kept by gram panchayats, Mandal Parishads or Zilla Parishads the audit, and publicaion of such accounts and the conditions under which

rate payers may appear before auditors, inspect book and accounts, and take exceptions to items entered or omitted;

(viii) as to the preparation of plans and estimates for works and the powers of gram panchayat, Mandal Parishad or Zilla Parishad and of servants of the State or Central Government to accord professional or administrative sanction to estimates;

(ix) as to the powers of auditors to disallow and surcharge items, appeals against order of disallowance or surchage and the recovery of sums disallowed or surchaged;

(x) as to the powers of auditors, inspecting and superintending officers and officers authorised to hold inquiries to summon and examine witnesses and to compel the production of documents and all other matters connected with audit, inspection and superintendence;

(xi) as to the conditions on which property may be/acquired by a gram panchayat, Mandal parishad or Zilla Parishad or on which property vested in or belonging to a gram panchayat, Mandal Parishad or Zilla Pariahad may be transferred by sale, mortgage, lease, exchange or otherwise;

(xii) as to the conditions on which and the mode in which contracts may be made by or on behalf of gram panchayat, Mandal Parishad or Zilla Parishad;

(xiii) as to the assessment and realisation of taxes under this Act and the revision of and appeals against assessment;

(xiv) as to the acceptance in lieu of any tax or other amount due to a gram panchayat under this Act, of any service by way of cartage or otherwise;

(xv) as to the form and cr.itents of licences, permissions and notices granted or issued under this Act, the manner of their issue or the method of their service, and the modifications, suspension or cancellation thereof;

(xvi) as to the powers of executive authorities to call for information on any matter, to summon and examine witnesses, and to compel the production of document;

(xvii) as to the regulation or registration of building and the use of sites for building;

(xviii) for the determination of any claim to trees growing on public roads or other property vesting in or belonging to gram panchayats or on porambokes or on lands, the use of which is regulated by them under secion 102, and for the presumptions to be drawn in regards the owner ship of such trees;

(xix) as to the provisions of cattle sheds by the gram panchayat wherein owners of cattle may stall cattle and as to the fees leviable in respect thereof;

(xx) as to the disposal of household and farm yard waste in the village, the acquisition of land by the gram panchayat for laying out plots, for digging pits in which such waste may be thrown, the assignment of any of those plots to persons in the village and the conditions subject to which such assignment may be made, including the rent to be charged;

(xxi) as to the duties to be dischaged by village officers in relation to gram panchayats and their executive athorities;

(xxii) for reulating the sharing between local authorities in the State, of the proceeds of any tax or income levied or obtained under this or any orther Act;

(xxiii) as to the accounts to be kept by owners, occupiers and farmer, private markets and the audit and inspection of such accounts;

(xxiv) as to the manner of publication of any notification or notices to the public under this Act;

(xxv) for the use of the facsimiles of the signatures of the executive authorities and officers of gram panchayats, Mandal Parishads or Zilla Parishads.

(xxvi) regarding proceedings of gram panchayats and their committees; and

(xxvii) relating to assessment, levy and collection of taxes and the lodging of moneys received by the Gram Panchayat, Mandal Parishad or Zilla Parishad and payment of moneys from their Funds.

(3) All rules made under this Act shall be published in the Andhra Pradesh Gazette.

(4) Every rule made under the Act shall immediately after it is made, be laid before the Legisaltive Assembly of the State if it is in session, and if it is not in session, in the session immediately following for a total period of fourteen days which may be comprised in one session or in two successive sessions and if before the expiration of the session in which it is so laid or the session immediately following the Legislative Assembly agrees in making any modificaion in the rule or in the annulment of the rule, the rule shall, from the date on whcih the modificaion or annulment is notified, have effect only in such modified form or shall stand annulled, as the case may be, so however that any such modificaion or annulment shall be without prejudice to the validity or anything previously done under that rule.

Penalties for breach of rules.

269. A rule under this Act may provide that a breach thereof shall be punishable with fine which may extend to fifty rupees, or in case of continuing breach with fine not exceeding five rupees for every day during which the breach continues after conviction for the first breach.

Bye-laws and penalties for their breach.

270. (1) Subject to the provisions of this Act and of any other law and to such rules as may be prescribed, a gram panchayat may, with the approval of the Commissioner, make bye-laws for carrying out any of the purposes for which it is constituted.

(2) A bye-law made by the gram panchayat may provide that any person who commits a breach thereof shall be liable to pay by way of penalty such sum as may be fixed by the gram panchayat not exceeding fifteen rupees, or in case of a continuing breach, not exceeding five rupees for every day during which the breach continues after a penalty has been levied for the breach.

(3) The Government shall have power to make rules regarding the procedure for the making of bye-laws, the publicaion thereof and the date on which they shall come into effect.

General provisions regarding penalties specified in Schedules III and IV.

271. (1) Whoever,-

(a) contravenes any of the provisions of this Act specified in the first and second columns of Schedule-III, or

(b) contravenes any rule or order made under any of the provisions so specified; or

(c) fails to comply with any direction lawfully given to him, or any requisition lawfully made upon him under or in pur-

suance of any of the said provisions, shall be punishable with fine which may extend to the amount mentioned in that behalf in the fourth column of the said Schedule.

(2) Whoever after having been convicted of ,-

(a) contravening any of the provisions of this Act specifed in the first and second columns of Schedule IV; or

(b) contravening any rule or order made under any of the provisions so specified; or

(c) failing to comply with any directions lawfully given to him, or any requisition lawfully made upon him under or in pursuance of any of the said provisions, continues to contravene the said provisions or the said rule or order, or continues to fail to complay with the said direction or requisition shall be punishable for each day after the previous date of conviction during which he continues so to offend, with fine which may extend to the amount mentioned in that behalf in the fourth column of the said Schedule.

**Explanation:** The entries in the third column of Schedules III and IV headed 'subject' are not intended as definitions of the offences described in the provisions specified in the first and second columns thereof or even as abstracts of those provisions, but are inserted merely as references to the subject dealt with therein.

Recovery of amounts due as taxes.

272. All costs, damages, compensation, penalities, charges, fees (other than school fees), expenses, rents (not being rents for land and buildings demised by the gram panchayat), contributions and other amounts which under this Act or any other

law or rules or bye-laws made thereunder are due by any person to the gram panchayat may, if there is no special provision in this Act, or the rules made therunder for their recovery, be demanded by a bill as provided in the rules for the recovery of taxes made under the Act and recovered in the manner provided therein.

**Adjudication of disputes between local authorities.** 273. (1) When a dispute exists between a local authority and one or more other local authorities in regard to any matter arising under the provisions of this or any other Act and the Government are of opinion that the local authorities concerned are unable to settle it amicably among themselves, the Government may take cognizance of the dispute; and

(a) decide it themselves, or

(b) refer it for enquiry and report to an arbitrator or a board of arbitrators or to a joint committee constituted for the purpose by an order of the Government.

(2) The reports referred to in clause (b) of sub-section (1) shall be submitted to the Government who shall decide the dispute in such manner as they may deem fit.

(3) Any decision given under clause (a) of sub-secion (1) or under sub-secion (2) may be modified from time to time, by the Government in such manner as they deem fit, and any such decision with the modification, if any, made therein under this sub-section, may be cancelled at any time by the Government.

Any such decision or any modification therein or cancellation thereof shall be binding on all the local authorities concerned and shll not be, liable to be questioned in any court of law.

(4) Where one of the local authorities concerned is a cantonment authority or the port authority of a major port, the powers of the Government under this section shall be exerisable only with the concurrence of the Central Government.

**Act to read subject to Schedules V and VI in regard to first constitution or reconstitution etc.**

274. (1) In regard to the first constitution of a Gram Pancahayat, Mandal Parishad or Zilla Parishad for a village, Mandal or District or to the first reconstitution in accordance with the provisions of this Act of such bodies in existence at the commencement thereof, and otherwise in first giving effect to the said provisions they shall be read subject to the rules in Schedules V and VI.

(2) The Government shall have power, by notification in the Andhra Pradesh Gazette, to amend, add to or repeal the rules in the said Schedules.

**Power to remove difficulties**

275. (1) If any difficulty arises in first giving effect to the provisions of this Act or as to the first constitution or reconstitution of any Gram Panchayat, Mandal Parishad or Zilla Parishad after the commencement of this Act, the Government, as occasion may require, may by order published in the Andhra Pradesh Gazette, do anything which appears to them necesary for removing the difficulty.

(2) All orders made under sub-section (1) shall, as soon as may be after they are made, be placed on the table of Legislative Assembly of the State and shall be subject to such modification by way of amendments or repeal as the Legislative Assembly may make either in the same session or in the next session.

**Repeal and savings.**

276. (1) The following Acts are hereby repealed. namely:-

(i) The Andhra Pradesh Gram Panchayats Act, 1964; Act 2 of 1964.

Act 31 of 1986 — (ii) The Andhra Pradesh Mandal Praja Parishads, Zilla Praja Parishads and Zilla Pranalika and Abhivrudhi Sameeksha Mandals Act, 1986; and

Act 28 of 1989 — (iii) The Andhra Pradesh Local Bodies Electoral Reforms Act, 1989.

Act 1 of 1891. — (2) On such repeal the provisions of sections 8 and 18 of the Andhra Pradesh General Clauses Act, 1891, shall apply.

**Amendment of Act 9 of 1989.**

277. In the Andhra Pradesh State Audit Act, 1989, in section 2, for clauses (c) and (d), the following clause shall be substituted. namely:-

(c)a gram panchayat, a township, a Mandal Parishad or a Zilla Parishad constituted under the Andhra Pradesh Panchayat Raj Act, 1994.

**Transitional provision in regard to elections.**

278. The first ordinary elections to the gram panchayats, Mandal Parishads and Zilla Parishads in accordance with the provisions of this Act shall be held within a period not exceeding one year from the date of commencement of this Act.

## SCHEDULE - I

### GENERAL POWERS AND FUNCTIONS OF PANCHAYATS

(Sections 45, 161 and 192)

1. Agriculture, including agricultural extension.

2. Land improvement, implementation of land reforms, land consolidation and soil conservation.

3. Minor irrigation, water management and watershed development.

4. Animal husbandary, dairying and poultry.

5. Fishers.

6. Social forestry and farm forestry.

7. Minor forest produce.

8. Small scale industries, including food processing industries.

9. Khadi, village and cottage industries.

10. Rural housing.

11. Drinking water.

12. Fuel and fodder.

13. Roads, culverts, bridges, ferris, waterways and other means of communication.

14. Rural electrificaion, including distribution of electricity.

15. Non-conventional energy sources.

16. Poverty alleviation programme.

17. Education, including primary and Secondary schools.

18. Technical Training and vocational education.

19. Adult and non-formal education.

20. Libraries.

21. Cultural activities.

22. Markets and fairs.

23. Health and sanitation, including hospitals, primary health centres and dispensaries.

24. Family Welfare.

25. Women and child development.

26. Social welfare, including welfare of the handicapped and mentally retarded.

27. Welfare of the weaker sections, and in particular, of Secheduled Castes and the Scheduled Tribes.

28. Public distribution system.

29. Maintenance of community assets.

## S C H E D U L E - II

(Section 161)

### POWERS AND FUNCTIONS OF THE MANDAL PARISHAD

1. COMMUNITY DEVELOPMENT.

The execution of all programmes under Community Development in association with panchayats, co-operative societies, voluntary organisations and the people.

2. AGRICULTURE.

The doing of everything necessary to step up agriculture Production and in particular.-

(i) multiplication and distribution of improved seeds;

(ii) distribution of fertilizers;

(iii) popularisation of improved techniques, methods and practices and improved implements;

(iv) achieving self-sufficiency in green manure and composting of farmyard manure;

(v) encouraging fruit and vegetable cultivation;

(vi) reclamation of land and conservation of soil;

(vii) providing credit for agricultural purposes;

(viii) propagating and assisting in plant protection methods;

(ix) laying out demonstration plots and working out better methods of farm managements;

(x) bringing more acreage under irrigation by renovating and sinking wells, repairing and digging private tanks and maintaining Government minor irrigation sources and supply channels;

(xi) utilising more power for agricultural purposes;

(xii) exploiting underground water sources by sinking wells, filterpoints and tube wells;

(xiii) tree planting;

(xiv) growing of village forests.

3. ANIMAL HUSBANDRY AND FISHERIES.

(i) Upgrading local stock by indroducing pedigree breeding bulls and castrating scrub bulls;

(ii) Introducing improved breeds of cattle, sheep, pigs and poultry;

(iii) controlling contagious diseases by systmatic protection;

(iv) introducing improved fodders and fees;

(v) establishing and maintaining of artificial insemination centres, first aid centres and minor veterinary dispensaries;

(vi) educating the people about the importance of better cattle for both milk and draught.

4. HEALTH AND RURAL SANITATION.

(i) Expanding existing medical and health services and bringing them within the reach of people;

(ii) establishing and maintaining Primary Health Centres and Maternity Centres;

(iii) providing protected drinking water facilities;

(iv) ensuring systematic vaccination;

(v) controling epidemics;

(vi) Providing drains and seakage pits for village and house drainage.

## SCHEDULE-III

ORDINARY PANALTIES.

(Section 271)

| section | sub-section of clause | SUBJECT | Fine which may be imposed |
|---|---|---|---|
| (1) | (2) | (3) | (4) |
| 81. | (2) | Disobeying notice - prohibiting use of water to which public have access. | Fifty rupees. |
| 82. | (a) | Bathing etc, in places set apart for drinking purposes. | .. Do |
| 82. | (b) | Depositing any offensive etc., matter in places set apart for drinking puposes. | .. Do. |
| 82. | (c) | Washing clothes in places set apart for drinking bathing or washing clothes. | .. Do |
| 82. | (d) | Washing animals etc, in places set apart for drinking bathing or washing clothes. | .. Do |
| 82. | (e) | Allowing water from a sink, sewer etc, into places set apart for drinking, bathing or washing clothes. | .. Do |

| (1) | (2) | (3) | (4) |
|---|---|---|---|
| 102. | (2) | Felling, etc. with out permission, of trees growing on public road or other property vested in a gram panchayat or on a poramboke or land the use of which is regulated by it under section 102. .. | Two hundered rupees. |
| 103. | (2) | Failure to remove any building etc., on land vested in gram panchayat. .. | Do |
| 105. | (1) | Opening or keeping open a private Market in contravention of section 105. .. | Five hundred rupees. |
| 108. | .. | Failure to obey directions to construct approaches, etc.,for a private market or to roof etc., .. | One hundred rupees. |
| 110. | | Sale or exposure for sale in public or private market of any animal or article without permission. .. | Twenty rupees. |
| 111. | | Sale etc., articles in public roads or places after prohibition or without licence or contrary to regulations. .. | Ten rupees. |

| (1) | (2) | (3) | (4) |
|---|---|---|---|
| 115. | (b) | Using any public place or roadside as a landing or halting place or as a cart-stand within prohibited distance. .. | Fifty rupees. |
| 116. | (1) | Opening a new private cart-stand or continuing to keep open a private cart-stand without licence or contrary to licence. .. | Two hundred rupees. |
| 118. | (a) | Slaughtering, cutting up or skinning, etc., cattle etc., outside slaughter house. .. | Two hundered rupees. |
| 118. | (b) | Slaughtering etc. any cattle.,etc.without licence or contrary to licence. | Twenty rupees. |
| 119. | | Using a place for any of the purposes specified in Schedule III without licence or contrary to licence. .. | One hundred rupees. |
| 120. | .. | Unlawful erection of factory, workshop .. | One thousand rupees. |
| 122. | .. | Disobedience of order regarding abatement of nuisance. .. | One hundred rupees. |

| (1) | (2) | (3) | (4) |
|---|---|---|---|
| 126. | (2) | Unlawful defacement etc.,of numbers assigned to buildings. .. | Five rupees. |
| 126 | (3) | Failure to replace number when required to do so. .. | Twenty rupees. |
| 127. | (7) | Failure to produce licence on request. .. | Five rupees. |
| 144 | .. | Obstructing a person in the use or enjoyment of a public road, market, well, tank, etc., .. | One hundred rupees. |

**SCHEDULE - IV**

**PENALTIES FOR CONTINUING BREACHES.**

**(Section 271)**

| Section | Sub-section or clause | SUBJECT | Daily fine which may be imposed. |
|---|---|---|---|
| (1) | (2) | (3) | (4) |
| 81. | (2) | Disobeying notice prohibiting use of water to which public have access. .. | Ten rupees. |
| 82. | (e) | Allowing water from a sink, sewer, etc., into a place. set apart for drinking, bathing or washing clothes. .. | Do |

| (1) | (2) | (3) | (4) |
|---|---|---|---|
| 86. | (1) | Using any place for the disposal of the dead without a licence. .. | Twenty rupees for for each occasion |
| 93. | .. | Allowing filth to flow in public roads etc., .. | Ten rupees. |
| 94. | (1) | Failure to execute the work as required by the notice. .. | Do |
| 95. | (1) | Quarrying near a Public Road etc without a licence.. .. | Do. |
| 96. | .. | Unlawful building of wall or erecting fence, etc., in or over public road. .. | Twenty rupees. |
| 97. | .. | Allowing doors, ground floor, windows etc., to open outwards without licence or contrary to notice. .. | Ten rupees. |
| 98. | (1) | Failure to remove or alter encroachment. .. | Ten rupees. |
| 100. | (1) | Unlawful construction of building over a drain or on ground levelled etc, by rubbish. .. | Fifty rupees. |
| 100. | (2) | Failure to obey requisition to demolish a building constructed without permission or contrary to the terms of permission .. | Fifty rupees. |

| (1) | (2) | (3) | (4) |
|---|---|---|---|
| 101. | (1) | Unlawful making of hole or placing obstruction in public road .. | Ten rupees. |
| 103. | (2) | Failure to remove any building over on land vested in gram panchayat. ... | Fifty rupees. |
| 105. | (1) | Opening or keeping a private market in contravention of section.... 105 .. | One hundred rupees. |
| 108. | .. | Failure to obey direction to construction, approaches etc., for a private market or to roof etc., .. | Ten rupees. |
| 110. | .. | sale or exposure for sale, in public or private market of animal or article without permission. .. | Ten rupees. |
| 116. | (1) | Keeping open a private cart-stand without licence or contrary to licence. .. | Twenty rupees. |
| 119. | .. | Using a place for any of the purposes specified in Schedule III without licence or contrary to licence. .. | Do |
| 120. | .. | Unlawful erection of factory, workshop etc., .. | One hundred rupees. |
| 122. | .. | Disobedience of order regarding abatement of nuisance. .. | Fifty rupees. |

## SCHEDULE-V

### TRANSITIONAL PROVISIONS (GRAM PANCHAYATS)

### (Section 274)

**Definitions.**

1. In these rules, unless the context otherwise requires,-

(a) "Old Panchayats Act" means the Andhra Pradesh Gram Panchayats Act, 1964;

(b) "Panchayat" means a panchayat constituted under the old panchayats Act;

(c) "Member" means a member of a panchayat constituted under the old Panchayats Act;

(d) "Sarpanch" means a Sarpanch of a gram panchayat constituted under the old Panchayats Act:

**Existing villages to be deemed to be villages for purposes of this Act.**

2.(1) Every local area which, at the commencement of this act, is a village under the old Panchayats Act shall be deemed to have been declared to be a village under this Act.

(2) Every gram panchayat in existence at the commencement of this Act shall be deemed to be a gram panchayat constituted under this Act.

**Total number of members of gram panchayats.**

3. Notwithstanding anything contained in this Act, the total number of members of a gram panchayat fixed under the old Panchayats Act, shall be deemed to be the total number of members of the gram panchayat as deemed to have been constituted under this Act by virtue of sub-rule (2) of rule 2 until their number is altered by the Commissioner.

**Team of office of existing Sarpanchas and members.**

4.(1) The Sarpanchas and members of a gram panchayat holding office at the commencement of this Act shall, subject to the proviosions of sections 18 and 20, continue to hold such office upto and inclusive of

the date fixed by the Government or upto the date on which special officers who may be appointed by the Commissioner assume office whichever is early.

(2) Any vacancy in the office of the Sarpanch, the Upasarpanch or a member of a Gram Panchayat at the commencement of this Act or which may occur therafter shall not be filled until the next ordinary elections.

**First ordinary election**

5. The State Election Commissioner shall cause, the first ordinary election under this Act to a Gram Panchayat and the first meeting of the gram panchayat under sub-section (1) of section 13 after such election, to be held on any day before the date appointed by the said Commissioner.

**Reconstitution of Panchayats dissolved or superseded before the commencement of this Act.**

6. Any Panchayat dissolved or superseded under the old Panchayats Act and awaiting reconstitution at the commencement of this Act, shall be reconstituted in accordance with the provisions of this Act.

**Constitution of Panchayats for villages notified before the commencement of this Act.**

7. Where, before the commencement of this Act, a village was notified under the old Panchayats Act, for constituting a panchayat but no panchayat was constituted, the special officer appointed, if any, there for, shall be deemed to have been appointed under this Act and the provisions of section 143 shall apply to such a case. Where no such special officer was appointed, a special officer shall be appointed for such a village under this Act as if it had been notified under this Act on the date of the commencement of this Act.

**Executive Officers to be deemed to be executive officers appointed under this Act.**

8. The executive officers of the gram panchayats which are deemed to be gram panchayats from the date of commencement of this Act and holding office as such on the said date, shall be deemed to have been appointed under this Act.

9.(1) All property, all rights of whateve kind, used, enjoyed or possessed by, and all interests of whatever kind, owned by or vested in, or held in trust, by or for any panchayat, as well as all liabilities legally subsisting against it, shall, on and from the date of commencement of this Act and subject to such directions as the Government may, by general or special order give in this behalf, pass to such gram panchayat as deemed to be constituted under this Act.

**Devolution of property, rights and liabilities.**

(2) All arrears of taxes or other payments by way of composition for a tax or due for expenses or compensation or otherwise due to a panchayat at the commencement of this Act may be recovered as if they had accrued under this Act.

(3) All proceedings taken by or against any panchayat or other authority or any person under the old Panchayats Act in so far as they are not inconsistent with this Act, be continued by or against such gram panchayat, authority or person under this Act.

10. Any tax, cess, fee or duty which was being lawfully levied by or on behalf of any panchayat at the commencement of this Act under any law, shall continue to be levied by or on behalf of the gram panchayat at the rates fixed and in pursuance of the assessment made by or under such law for the year in which this Act was brought into force and in the subsequent years also until the Government, by general or special order, otherwise direct, or assessment is made by or under this Act, whichever is earlier.

**Continuance of existing taxes.**

11. Any action taken under the old Panchayats Act by any authority, before the commencement of this Act shall, unless inconsistent with this Act, be deemed to have been taken by the authority competent

**Action taken under old Panchayats Act to continue.**

to take such action under this Act, unless and until superseded by action taken by such authority, whether it be the same as the authority competent to take such action under the old panchayats Act or not.

**Removal of difficulty.** 12. If any difficulty arises in giving effect to the provisions of these rules, the Government, as occasion may require, may after previous publication, by notification in the Andhra Pradesh Gazette, do anything which appears to them necessary for removing the difficulty.

## SCHEDULE-VI

## TRANSITIONAL PROVISIONS

### (Mandal Parishads and Zilla Parishads)

(Section 274)

**Abolition of Mandala Praja Parishads and devolution of assets and liabilities.**

**Act 31 of 1986**

(1) With effect on and from the constitution of a Mandal Parishad under this Act the Mandal Praja Parishad or Parishads in the Mandal for which the Mandal Panchayat is constituted, shall stand abolished.

(2) On such abolition of a Mandala Praja Parishad under sub-rule (1),-

(a) the collector may pass such orders as he deems fit as to the devolution on the Mandal Parishad comprised in the area of such Mandal of the assets or institutions belonging to such Mandal Praja Parishad or Mandala Praja Parishads or as to the disposal otherwise of such assets:

(b) all rights vesting in a Mandal Praja Parishad and all liabilities against it shall devolve on the Mandal Parishad concerned;

(c) all contracts made by or on behalf of a Mandala Praja Parishad prior to its abolition and subsisting on the day of such abolition may be transferred by the Collector to the Mandal Parishad concerned.

(3) In respect of all arrears of taxes or other payments by way of composition for a tax, or due for expenses or compensation, or otherwise due to the said Mandal Praja Parishad on such abolition, it shall be competent for the Collector to pass such orders as he may deem fit for their recovery by the Mandal Parishad as if they had accrued to it and had become due, under the provisions of this Act.

(4) All taxes, fees and duties, which immediately before such abolition were being levied by the said Mandal Praja Parishad shall be deemed to have been levied by the relevant Mandal Parishad under the provisions of this Act, and shall continue to be in force accordingly until such taxes, fees and duties are revised, cancelled or superseded by anything done or any action taken under this Act.

(5) All proceedings taken by or against the Mandal Praja Parishad or authority or any person under the Andhra Pradesh Mandal Praja Parishads, Zilla Praja Parishads and Zilla Pranalika and Abhivrudhi Sameeksha Mandals Act, 1986 (hereinafter called the Mandals Act) may be continued by or against the Mandal Parishad, authority or person as if the said proceedings had been started under the provisions of this Act.

(6) Any action taken under the Mandals Act by any authority before such abolition shall be deemed to have been taken by the authority competent to take such action under this Act as if this Act had then been in force.

(7) With effect on and from the constitution of Zilla Parishad, for any district under this Act, the Zilla Praja Parishad constituted for such district under sub-section(1) of section 43 of the Mandals Act shall stand abolished.

(8) All assets and rights vesting in a Zilla Praja Parishad at the time of its abolition under sub-section (7) and all liabilities against it at such abolition under the Mandals Act or any other law for the time being in force, shall devolve on the Zilla Parishad, constituted under this Act.

(9) Notwithstanding anything in this Act, every officer or employee who immediately before such abolition was in the service of the Zilla Praja Parishad shall be deemed to be an officer or employee of the Zilla Parishad, under this Act and every officer or employee who, immediately before the abolition of the Mandal Praja Parishad was in the service of the Mandal Praja Parishad shall be the employee of one of the Mandal Parishads, as may be ordered by the District Collector and it shall also be competent for the District Collector to transfer such officer or employee to any other service as may be directed by the Government:

Provided that,-

(i) the terms and conditions applicable to such officers and employees consequent on their absorption in the service of the Zilla Parishad, or Mandal Parishad, shall not be less favourable than those applicable to such employees immediately before such abolition as respects pay and allowances, leave, pension, gratuity, provident fund and age of supperannuation; and and

(ii) the services rendered by any such officer or other employee under the Zilla Praja Parishad or Mandal Praja Parishad upto such abolition shall be deemed to be service under the Zilla Parishad, constituted under this Act, or as the case may be, of the Mandal Parishad, and he shall be entitled to count that service for the purpose of increments, leave, pension, or provident fund and gratuity.

(10) "The Special Officers appointed under section 76 of the Andhra Pradesh Manda? Praja Parishads, Zilla Praja Parishads and Zilla Pranalika and Abhivrudhi Sameeksha Mandals Act, 1986 shall, notwithstanding the repeal of the said Act continue to hold office and continue to exercise the same powers and perform the same functions as they were exercising or performing immediately before the commencement of this Act, until the first ordinary elections to the Mandal: Parishads and Zilla Parishads in accordance with the provisions of this Act are held and the newly elected members and office bearers thereof assume office."

K. SATYANARAYANA MURTHY,
Secretary to Government,
Legislative Affairs,
Law Department.

# THE ANDHRA PRADESH PANCHAYAT RAJ (Amendment) ACT, 1995

## ACT NO. 5 OF 1995.*

3rd Feb, 1995.

AN ACT TO AMEND THE ANDHRA PRADESH PANCHAYAT RAJ ACT 1994.

Be it enacted by the Legislative Assembly of the State of Andhra Pradesh in the Forty-sixth Year of the Republic of India as follows:—

1. (1) This Act may be called the Andhra Pradesh panchayat Raj (Amendment) Act, 1995. Short title and commencement

(2) It shall be deemed to have come into force with effect from the 30th December, 1994.

2. In the Andhra Pradesh panchayat Raj Act, 1994 (hereinafter referred to as the principal Act), in section 2, in clause (2), the Explanation shall be omitted. Amendment of section 2, Act 13 of 1994.

3. In Section 9 of the principal Act,— Amendment of section 9.

(A) in sub-section (1),—

(i) clause (b) shall be omitted;

(ii) in clause (c), for the expression "clause (a) and (b) the expression "clause (a) and sub-section (1A) shall be substituted;

(B) after sub-section (1), the following sub-section shall be inserted. namely:

*Received the assent of the Governor on the 3rd Feb, 1995. For statement of object and Reasons, please See the Andhra Pradesh, Gazette, Part IV-A, Extraordinary, dt. 23-1-95 at Pages 16 and 17.

"(1A) In addition to the reservation of seats under sub-section (1), there shall be reserved for the Bachward Classes such a number of seats as may be allocated to them in each Gram Panchayat in the manner prescribed; so however that the number of offices of members of Gram Panchayats in the State reserved for Backward Classes shall not be less than thirty-four percent of the total number of offices of the members of Gram Panchayats in the State. The number of seats allocated to each Gram Panchayat shall be allotted by rotation to different words in the Gram Panchayat;

Provided that it shall be competant for the Government to make special provision with regard to the manner and quantum of seats to be reserved for Backward Classes in the Gram Panchayats situated in the Scheduled areas, by rules made in this behalf.'

(C) in sub-section (2) for the expression "sub-section (I)' the expression "sub-section (I) and (IA)" shall be substitutd.

Amendment of section 15

4. Section 15 of the principal Act shall be numbered as sub-section (I) thereof and in sub-section (I) as so numbered,

(i) clause (b) shall be omitted;

(ii) in clause (c) for the expression "clauses (a) and (b)", the expression "clauses (a) and sub-section (2)" shall be substituted;

(iii) after sub-section (I), the following sub-section shall be inserted, namely:—

"(2) In addition to the reservation of offices of Sarpanch under sub-section (I), there shall be reserved for the Backward Classes such number of Offices of Sarpanch as may be allocated to them in each Mandal in the manner prescribed; so however, that the number of Offices of Sarpanch as in the State reserved for Backward Classes shall not be less than thirty-four percent of the total number of offices of Sarpanchas of Gram Panchayats in the State. The number of offices of Sarpanchas allocated for reservation to each Mandalshall be allotted by rotation to different Gram Panchayats in the Mandal:

Provided that it shall be competent for the Government to make special provision with regard to the manner and quantum of seats to be reserved for Backward Classes in the Gram Panchayats situated in the Scheduled areas, by rules made in this behalf."

5. In Section 19 of the Principal Act, in sub-section (2), in clause (f), the words "managing agent" shall be omitted. Amendment of section19.

6. In section 152 of the principal Act. Amendment of section 152.

(A) In sub-section (1),—

(i) clause (b) shall be omitted;

(ii) in clause (c), for the expression "clauses (a) and (b)", the expression "clause (a) and sub-section (1A)" shall be substituted;

(B) after sub-section (1), the following sub-section shall be inserted, namely:—

"(1A) In addition to the reservation of seats under sub-section (1), there shall be reserved for the Backward Classes such a number of seats as may be allocated to them in each Mandal Parishad in the manner prescribed; so however that the number of offices of members of Mandal Parishads in the State reseved for Backward Classes shall not be less than thirty-four per cent of the total number of offices of the members of Mandal Parishads in the State. The number of seats allocated to each Mandal Parishad shall be allotted by rotation to different territorial constituencies in the Mandal Parishad :

Provided that it shall be competent for the Government to make special provisions with regard to the manner and quantum of seats to be reserved for Backward Classes in the Mandal Parishad situated either wholly or partly in the scheduled areas, by rules made in this behalf." ;

(C) in sub-section (2), for the expression "sub-section (1)", the exepression "Sub-Section (1) and (1A)" shall be substituted.

7. In section 153 of the principal Act, Amendment of section 153.

(A) in sub-section (1),—

(*i*) for the expression " elected by and from among the elected members specified in clause (1) of section 149 in the prescribed manner. ", the expression elected by and from among the elected members specified in clause (*i*) of sub-section (1) of section 149 by show of hands duly obeying the party whip given by such functionary of the recognised political party as may be prescribed. " shall be substituted ;

(*ii*) after the proviso, the following shall be added, namely :—

" Provided further that a member voting under this sub-section in dis-obedience of the party whip shall cease to hold office forthwith and the vacancy caused by such cessation shall be filled as a casual vacancy. " ;

(B) in sub-section (2) ,—

(*i*) clause (b) shall be omitted ;

"(*ii*) in clause (c) for the expression " clauses (a) and (b)" the expression " clause (a) and sub-section (2A)" shall be substituted ;

(*iii*) after sub-section (2), the following sub-section shall be inserted, namely :—

"(2A) In addition to the reservation of offices of President under sub-section (1), there shall be reserved for the Backward-Classes such number of offices of President as may be allocated to them in each district in the manner prescribed ; so however, that the number of Offices of Presidents in the State reserved for Backward Classes shall not be less than thirty-four percent of the total number of offices of presidents of Mandal Parishads in the State. The number of offices of Presidents allocated for reservation to each district shall be allotted by rotation to different Mandal Parishads in the district. ".

8. In section 158 of the principal Act, for the words " and the Presidents of the Agricultura Marketing Commitves" the words " the member of the Zilla Parishad specified in clause (*i*) of sub-section (3) of section 177 elected from the Mandal concerned, the Chairman, Zilla Parishad, and the President of Agricultural Marketing Committee", shall be substituted. Amendment of section 158.

9. In section 180 of the princilpal Act,— of Section 180.

(A) in sub-section (I) ,—

(*i*) clause (b) shall be omitted ;

(*ii*) in clause (c), for the expression " clauses (a) and (b)" the expression " clause (a) and sub-section (1 A)" shall be substituted ;

(B) after sub-section (I) , the following sub-section shall be inserted, namely :—

" (IA ) In addition to the reservation of seats under sub-section (I), there shall be reserved for the Backward Classes such a number of seats as may be allocated to them in each Zilla Parishad in the manner prescribed ; so however that the number of offices of members of Zilla Parishad in the State reserved for Backward Classes shall not be less than thirty -four percent of the total number of offices of the members of Zilla Parishad in the State. The number of seats allocated to each Zilla Parishad shall be allotted by rotation to different territorial constituencies in the Zilla-parishads"

(C) in sub-section (2), for the expression " sub-section (I)" the expression " sub-sections (i) and (IA) shall be subtituted.

10. In section 181 of the principal Act,— Amendment of section 181.

(A) in sub-section ( 1 ) ,—

(*i*) for the expression "elected by and from among the elected membersspecified in clause(*i*)of sub-secton (3) of section 177 in the prescribed manner," the expression 'elected by and from among the elected members specified clause (*i*) of sub-section (3)of section 177 by show of hands duly obeying the party

whip given by such functionary of the recognised political party as may be prescribed "'., shall be substituted ;

(ii) after the provison the following shall be added,namely:—

Provided further that a number voting under this sub-section in disobedence of the party whip shall case to hold officee forthwith and the vacancy caused by such cessation shall be filled as casual vacanccy,,,

(B) for sub-sections (2)and (3) the following shall be sub stituted namely:—

"(2) Out of the total number of offices of Chairman in the State, the Commissioner shall, subject to such rules as may be prescribed, by notification reserve,—

(*a*) such number of offices to the members belonging to Scheduled Castes and Scheduled Tribes as may be deter mined by him, subject tothe condition that the number of offices so reserved shall bear, as nearly as may be, the same proportion to the total number of offices to be filled in the State as the population of the Scheduled Castes or as the case may be, the Schduled Tribes in the State bears to the total population of the State and such offices may beallotted by rotation to different Zilla Parishad n the State in the manner prescribed ;

(*b*) thirty four percent of the total number of such offices of Chairmen in the State for backward classes ; and such offices may be allotted by rotation to different Zilla Parishads in the State in the manner prescribed ;

(*c*) not less than one-thrid of the total number of offices reserved under clauses (*a*) and (*b*) for women belonging to the Scheduled Castes Scheduled Tribes or as the case may be the backward classes ; and

(*d*)not less than one-third (including the number of offices reserved for women belonging to Scheduled Castes, Scheduled Tribes and the backward classes) of the total number of offices to be filled in theState for women and such offices may be allotted by rotation to different Zilla Parishads in the State in the manner prescribed. " .

11. In Section 187 of the principal Act, in sub-section (2), for the words " as may be nominated by the Chairman", the words' "as may be elected from among the members of the Zilla Parishad' shall be substituted. Amendment of section 187.

12. In Section 202 of the principal Act, for the proviso before the Explanation, the following shall be substituted, namely:- Amendment of section 202.

" Provided that the State Election Commission shall not in the case of elections to Gram Panchayats allot to any contesting candidate any symbol reserved for a recognised political party but in the case of elections to Mandal Parishads and Zilla Parishads, the State Election Commission shall allot symbols including the symbols reserved for a recognised political party, where any candidate is set up by such political party."

13. After section 202 of the principal Act, the following section shall be inserted, namely :- Insertion of new section 202-A.

Reservations to backward clafses.

202 A. For the purpose of reserving the offices of Sarpanch, President and Chairman and members of the Gram Panchayats Mandal Parishads and Zilla Parishads to the members belonging, to the backward classes under this Act, the population figures of the backward classes, gathered in the Socio-Economic Survey Survey conducted by the Andhra Pradesh Backward Classes Co-operative Finance Corporation Limited, Hyderabad, shall be taken as the basis." .

14. In section 268 of the principal Act, in sub-section (2), Clause (*ii*) shall be omitted. Amendment of section 268.

15. In Schedule II to the principal Act, for item 4, the following items shall be substituted, namely :- Amendment of Schedule II.

"4. HEALTH AND RURAL SANITATION.

(*i*) Expanding existing medical and health services and bringing them within the reach of people.

(*ii*) Establishing and maintaining Primary Health Centres nd Maternity Centres.

(*iii*) Providing protected drinking water facilities.

(*iv*) Ensuring systematic vaccination.

(*v*) Controlling epidemics.

(*vi*) Providing drains and soakage pits for village and house drainage.

(*vii*) Encouraging the use of sanitary type of latrines and utilising human waste.

(*viii*) Popularising of smokeless chullas.

(*ix*) Supervising the work in Government Hospitals.

(*x*) Enlisting people's participation for the improvement of such hospitals.

(*xi*) Securing the co-operation of the people and the panchayats during epidemics.

(*xii*) Carrying out environmental Sanitation campaigns and educating the public in (*a*) nutrition (*b*) maternity and Child health (*c*) Communicable diseases and (*d*) family planning and the like.

(*xiii*) Implementing health programme subject to the technical control of concerned district officers.

### 5. EDUCATION

Maintenance and expansion to Elementary and Basic Schools and in particular. – .

(*i*) management of Government and taken over Aided Elementary and Higher Elementary Schools ;

(*ii*) establishment of Adult Education Centres and Adult Literacy Centres ;

(*iii*) provision and improvement of accommodation for schools with people's participation;

(*iv*) conversion of existing Elementary Schools into Basic Schools; and

(*v*) taking of such action as may be necessary for the promotion of education for all children until they complete the age of fourteen years.

6. SOCIAL EDUCATION.

The creation of a new outlook among the people and making them self-reliant, hard working and responsive to community action and in particular–

(*i*) establishment of information community and recreation centre ;

(*ii*) establishment of Youth Organisation, Mahila Mandals, Farmer clubs and the like ;

(*iii*) establishment and popularisation of libraries ;

(*iv*) organisation of watch and ward ;

(*v*) encouragement of physical and cultural activities ;

(*vi*) organisation of voluntary sanitary squads ;

(*vii*) training and utilisation of the services of Gram Sahayaks

. COMMUNICVTION

(*i*) Formation and maintenance of inter village roads ;

(*ii*) Rendering such assistance as may be necessary for the formation and maintenance of village Roads which serve as feeders.

8. CO-OPERATION:

The securing of economic development along democratic lines by the application of co-operation in its infinitely varying forms and in particular,-

(*i*) establishment of Co-operative Credit industrial,Irrigation Farming and Multipurpose Societies in order to serve maximum number of families.

(*ii*) encouragement of thrift and small Savings

9. Cottage Industries.

Development of Cottage, Village and Small Scale Industries in order to provide better employment opportunities and thereby raise the standard of living and in particular, -

(*i*) the establishment and maintenance of production-cum-training centres ;

(*ii*) the improvement of the skills or artisans and craftsmen

(*iii*) the popularisation of improved implements and ;

(*iv*) Implementation of schemes for the development of cottage Village and Small Scale Industries financed by the Khadi and Village Industries commission and the All Indias Boards.

10. Women Welfare ;

The implementation of scehemes specially designed for Welfare of women and children and in particular the establishment of Women and Child Welfare Centres, Literacy Centres, Crafts and Dress making Centres and like.

11. Social Welfare ;

(*i*) The management of hostels subsidised by Government for the benefit of Scheduled Tribes, Scheduled Castes and Backward Classes ;

(*ii*) The implementation of Rural Housing Schemes ;

(*iii*) The maintenance of diseased beggers and control of vagrancy ;

(*iv*) The strengthening of Voluntary Social Welfare Organisaions and Co-ordinating their activities ;

(*v*) The propagation of temprance and prohibition ; and

(*vi*) The removal of untouchability ;

12. Emergency Relief.

Provision of emergency relief through voluntary efforts in case of distress owing to fires, floods, epidemics and other wide spread calamities.

13. COLLECTION OF STATISTICS. :

Collection and compilation of such statistics as may be found necessary either by the Mandala Parishad, the Zilla Parishad or the Government.

14. SELF-HELP PROGRAMME. :

Formulation and execution of suitable programmes for stopping up production and for raising the incomes and standards of living for the improvement of sanitation and for the provision of amenities for the people.

15. TRUSTS. :

Management of trusts for the furtherance of any purpose to which the funds of the Mandala Parishads may be applied.

16. The Andhra Pradesh Panchayat Raj (Amendment) Ordinance, 1994 is hereby repealed. Repeal of ordinance 20 of 1994

# THE ANDHRA PRADESH PANCHAYATRAJ LAWS (AMENDMENT) ACT, 1995.

## ACT NO. 33 OF 1995

[7th July 1995.]

**AN ACT AMEND THE ANDHRA PRADESH PANCHAYAT RAJ ACT, 1993 AND THE ANDHRA PRADESH GRAM PANCHAYATS (TRANSITIONAL ARRANGEMENTS) ACT, 1995.**

**Be it enacted by the Legistlative Assembly of the State of Andhra Pradesh in the Forty Sixth year of the Republic of India, as follows:...**

Short title and comm-encemnt.

1. (1) This Act may be called the Andhra Pradesh Panchayat Raj Laws (Amendment) Act, 1995.

(2) sub-section (1) of sction 2 shall be deemed to have come into force on and from the 26th May, 1995, sub-section (2) of section 2 shall be deemed to have come into force on the 30th May, 1994 and section 3 shall be deemed to have come into force on the 23rd April, 1994.

Amendment of Act 13 of 1994.

2. In the Andhra Pradesh Panchayct Raj Act, 1994,—

(1) in section 214, for sub-section (1)–the following sub-section shall be substituted namely,:—

"(1) No person shall convene, hold or attend any public meeting in any polling area during the period of forty eight hour prior to the hour fixed for the commencement of the poll in the case of elections to Zilla Parishad and Mandal Parishads and

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*Received the assent of the Governor on the 6th July, 1995. For statement of Objects & Reasons. please see the *Andhra Pradesh Gazette*. Part IV-A. Extraordinary, dated 14-6 95 at pages 485.

during the period of twenty fourhours prior to the hour fixed for commencement of the poll in the case of elections to Gram Panchayats".

(2) in section 278, for the words "within a period not exceeding one year", the words "wtihin a period not exceeding one year and six months", shall be substituted.

Amendment of Act 6 of 1995.

3. In the Andhra Pradesh Gram Panchayats (Transitional Arrangements) Act, 199., in section 5, in the proviro, for the words "shall not exceed a period of one year", the words "shall not exceed a period of one year and six months", shall be substituted.

Repeal of Ordinance of 1995.

4. The Andhra Pradesh Panchayat Raj Laws (Amendment) Ordinance, 1995 is hereby repealed.

THE ANDHRA PRADESH PANCHAYAT RAJ (AMENDMENT) ACT, 1996.*

ACT No. 2 OF 1996

[20th January, 1996]

AN ACT FURTHER TO AMEND THE ANDHRA PRADESH PANCHAYAT RAJ ACT, 1994.

Be it enacted by the Legislative Assembly of the State of Andhra Pradesh in the Forty-sixth Year of the Republic of India, as follows:

Short title and commencement

1. (1) This Act may be called the Andhra Pradesh panchayat Raj (Amendment) Act, 1996.

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*Received the assent of the Governor on the 16th January, 1996, For Statement of objects and Reasons, please see the Andhra Pradesh Gazette, Part IV-A, Extraordinary, dated the 7th December, 1995, at page 3 & 4.

(2) It shall be deemed to have come into force on and from the 22nd October, 1995.

Amendment of section 143, Act 13 of 1994.

2. In the Andhra Pradesh Panchayat Raj Act, 1994, in section 143,-

(i) in the marginal heading, the word "new" shall be omitted; and

(ii) after sub-section (2), the following shall be added, namely:-

"(3) The Government, or as the case may be, an officer authorised by the Government, shall appoint a special officer or a person-in-charge or a committee of persons-in-charge to a gram panchayat, if for any reason, the process of election to such gram panchayat is not completed.

(4) The special officer or person-in-charge or the Committee of persons-in-charge, appointed under sub-section (3) shall exercise the powers and perform the functions of the gram panchayat and its Sarpanch and executive authority until the members and Sarpanch elected thereof assume office."

Repeal of Ordinance 34 of 1995.

3. The Andhra Pradesh Panchayat Raj (Amendment) Ordinance, 1995 is hereby repealed.

G. BHAVANI PRASAD,
Secretary to Government,
Legislative Affairs,
Law Department.

# THE ANDHRA PRADESH PANCHAYATRAJ (SECOND AMENDMENT) ACT, 1996.

## ACT No. 16 OF 1996.

[26th August, 1996.]

AN ACT FURTHER TO AMEND THE ANDHRA PRADESH PANCHAYAT RAJ ACT, 1994.*

Be it enacted by the Legislative Assembly of the State of Andhra Pradesh in the Forty-seventh Year of the Republic of India, as follows:-

1. (1) This Act may be called the Andhra Pradesh panchayat Raj (Second Amendment) Act, 1996. Short title and commencement.

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*Received the assent of the Governor on the 26th August, 1996. For Statement of objects and Reasons, Please see Andhra Pradesh Gazette, Part IV-A, Extra-ordinary, dated the 21st March, 1996 at Page 3 & 4.

(2) It shall be deemed to have come into force on and from the 8th February, 1996.

Amendment of section 7, Act 13 of 1994

2. In the Andhra Pradesh Panchayat Raj Act, 1994 section 7 shall be renumbered as sub-section (1) thereof and after sub-section (1) as so renumbered, the following sub-section shall be added, namely:-

"(2) The Member of the Mandal Parishad Territorial Constituency shall be permanent invitee to the meetings of Gram Panchayats and he shall have the right to speak in and otherwise to take part in the proceedings of any meeting of the Gram Panchayat or Gram Panchayats functioning within the local limits of the respective jurisdiction; but shall not, by virtue of this section be entitled to vote at any such meeting.".

Repeal of Ordinance 12 of 1996.

3. The Andhra Pradesh Panchayat Raj (Third Amendment) Ordinance, 1996 is hereby repealed.

G. BHAVANI PRASAD,
Secretary to Government,
Legislative Affairs & Justice,
Law Department.

# THE ANDHRA PRADESH PANCHAYAT RAJ (THIRD AMENDMENT) ACT, 1996.

## ACT No. 17 OF 1996.

[26th August, 1996.]

AN ACT FURTHER TO AMEND THE ANDHRA PRADESH PANCHAYAT RAJ ACT, 1994.

Be it enacted by the Legislative Assembly of the State of Andhra Pradesh in the Forty-seventh Year of the Republic of India as follows:-

1. (1) This Act may be called the Andhra Pradesh Panchayat Raj (Third Amendment) Act, 1996. Short title and commencement.

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*Received the assent of the Governor on the 26th August, 1996. For Statement of objects and Reasons, Please see Andhra Pradesh Gazette, Part IV-A, Extraordinary, dated the 19th July, 1996 at Page 3 & 4.

(2) It shall be deemed to have come into force on and from the 8th February, 1996.

Amendment of section 74, Act 13 of 1994.

2. In the Andhra Pradesh Panchayat Raj Act, 1994, in section 74, for sub-section(4), the following shall be substituted, namely:-

"(4) All orders or cheques against the Gram Panchayat Fund shall be signed by such authority as may be prescribed.".

Repeal of Ordinance 13 of 1996.

3. The Andhra Pradesh Panchayat Raj (Fourth Amendment) Ordinance, 1996 is hereby repealed.

G. BHAVANI PRASAD,
Secretary to Government,
Legislative Affairs & Justice.
Law Department.

# THE ANDHRA PRADESH PANCHAYAT RAJ (AMENDMENT) ACT, 1997.

## ACT No. 23 OF 1997*

[21st August, 1997.]

An Act further to amend the Andhra Pradesh Panchayat Raj Act, 1994.

Be it enacted by the Legislative Assembly of the State of Andhra Pradesh in the Forty-eighth Year of the Republic of India, as follows:-

*Received the assent of the Governor on 19th August, 1997. For Statement of the Objects and Reasons. Please see the A.P. Gazette Part IV-A Extraordinary, dated 18th March, 1997 at P-3.

Short title and commencement.

1. (1) This Act may be called the Andhra Pradesh Panchayat Raj (Amendment) Act, 1997.

(2) It shall be deemed to have come into force on and from the 30th January, 1996.

Amendment of section 14, Act 13 of 1994.

2. In the Andhra Pradesh Panchayat Raj Act, 1994, in section 14, in sub-section (10), in the second proviso, for the words "the Government", the words "the State Election Commission" shall be substituted.

G. BHAVANI PRASAD,
Secretary to Government,
Legislative Affairs & Justice,
Law Department.

## ACT No. 7 OF 1998.

*[16th January, 1998.]

### AN ACT FURTHER TO AMEND THE ANDHRA PRADESH PANCHAYAT RAJ ACT, 1994.

Whereas the provisions of Part IX of the Constitution of India relating to Panchayats are extended subject to such exceptions and modifications to the Scheduled Areas as referred to in clause (1) of article 244 of the Constitution of India by the Provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1956 enacted by the Parliament as required. Central Act 40 of 1996.

*[Received the assent of the Governor on the 12-01-1998. For statement of object and reasons please see the Andhra Pradesh Gazette, Part-IV-A, Extraordinary dated 30-07-1997 at Page 7-8.]

under sub-clause(b) of clause 4 of article 243M of the Constitution of India;

And whereas the provisions of the Andhra Pradesh Panchayat Raj Act, 1994 have to be brought in tune with the provisions of the said Central Act 40 of 1996 in their application to such Scheduled Areas in the State;

Be it enacted by the Legislative Assembly of the State of Andhra Pradesh in the Forty-eighth Year of the Republic of India, as follows:-

Short title and commencement.

1. (1) This Act may be called the Andhra Pradesh Panchayat Raj (Amendment) Act, 1998.

(2) It shall come into force on such date as the Government may, by notification, appoint.

Amendment of section 1. Act 13 of 1994.

2. In the Andhra Pradesh Panchayat Raj Act, 1994 (hereinafter referred to as the principal Act) in section 1, after sub-section (2), the following sub-section shall be inserted, namely:-

(a) "(2A) In their application to the Scheduled Areas in the State as referred to in clause (1) of article 244 of the Constitution of India, the remaining provisions of this Act shall apply subject to the provisions of Part VIA of this Act.".

(b) In the marginal heading after the word "extent", the word "application" shall be inserted.

3. After Part VI of the principal Act, the following Part shall be inserted, namely:- Insertion of new Part VI-A.

"PART VI-A

SPECIAL PROVISIONS RELATING TO THE PANCHAYATS, MANDAL PARISHADS AND ZILLA PARISHADS LOCATED IN THE SCHEDULED AREAS

Application of this Part.

242A (1) The provisions of this Part shall apply to the Gram Panchayats, Mandal Parishads and Zilla Parishads constituted in the Scheduled Areas in the State.

(2) The provisions of this Part shall prevail over anything inconsistant therewith elsewhere in this Act.

Declaration of village in Scheduled Areas.

242B. For the purposes of section 3, a village shall ordinarily consist of a habitation or a group of habitations or a hamlet or a group of hamlets thereof comprising a community or communities and managing their affairs in accordance with traditions and customs.

Functions of Gram Sabha.

242C. (1) Every Gram Sabha shall be competent to safeguard and preserve the traditions and customs of the people, their cultural identity, community resources and without detriment to any law for the time being in force, the customary mode of dispute resolution.

(2) Every Gram Sabha shall,-

(i) approve plans, programmes and projects for social and economic development before such plans, programmes and

projects are taken up for implementation by the Gram Panchayat, at the village level;

(ii) be responsible for the identification of selection of persons as beneficiaries under poverty alleviation and other programmes.

(3) Every Gram Panchayat shall obtain from the Gram Sabha a certification of utilisation of funds by that Panchayat for the plans, programmes and projects referred to in sub-section (2).

Reservation of seats of members of Gram Panchayat and Mandal Parishad and offices of Sarpanchas of Gram Panchayats and Presidents of Mandal Parishads.

242D. The reservation of seats in the Scheduled Areas to every Gram Panchayat and Mandal Parishad shall be in proportion to the population of the communities in that Gram Panchayat or the Mandal Parishad as the case may be:

Provided that the reservation for the Scheduled Tribes shall not be less than one-half of the total number of seats:

Provided further that all seats of Sarpanchas of Gram Panchayats and Presidents of Mandal Parishads shall be reserved for the Scheduled Tribes.

Nomination of persons.

242E. The Government may nominate persons belonging to such Scheduled Tribes who have no representation in Mandal Parishads:

Provided that such nomination shall not exceed one tenth of the total members to be elected in that Mandal Parishad.

Acquisition of land in the Scheduled Areas.

242F. The Mandal Parishad shall be consulted before making the acquisition of land in the Scheduled Areas for development projects and before re-settling or rehabilitating persons evicted by such projects in the Scheduled Areas, the actual planning and implementation of the projects in the Scheduled Areas shall be coordinated at the State Level.

Management of minor water bodies in the Scheduled Areas.

242G. Planning and management of minor water bodies in the Scheduled Areas shall be entrusted to Gram Panchayats, Mandal Parishads or the Zilla Parishads, as the case may be, in such manner as may be prescribed.

Minor minerals in the Scheduled Areas.

242H. (1) The recommendations of the Gram Panchayat, made in such manner as may be prescribed, shall be taken into consideration prior to grant of prospecting license or mining lease, for minor minerals in the Scheduled Areas.

(2) The prior recommendation of the Gram Panchayat, made in such manner as may be prescribed, shall be taken into consideration for grant of concession for the exploitation of minor minerals by auction.

Powers and functions of Gram Panchayats and Mandal Parishads.

242I. (1) The Gram Panchayat or as the case may be, the Gram Sabha shall exercise such powers and perform such functions in such manner and to such extent as may be prescribed in respect of the following matters, namely:-

(a) enforcement of prohibition or regulation or restriction of the sale and consumption of any intoxicant;

(b) the ownership of minor forest produce;

(c) prevention of alienation of land in the Scheduled Areas and restoration of any unlawfully alienated land of a Scheduled Tribe;

(d) Management of village markets by whatever name called; and

(e) exercising control over money lending to the Scheduled Tribe.

(2) The Mandal Parishad shall exercise such powers and perform such functions in such manner and to such extent as may be prescribed, in respect of the following matters, namely:-

(a) exercising control over institutions and functionaries in all social sectors; and

(b) control over local plans and resources for such plans including tribal sub-plans".

G. BHAVANI PRASAD,
Secretary to Government,
Legislative Affairs & Justice,
Law Department.

## ACT No. 16 OF 1998.

*[16th May, 1998.]

AN ACT FURTHER TO AMEND THE ANDHRA PRADESH PANCHAYAT RAJ ACT, 1994.

Be it enacted by the Legislative Assembly of the State of Andhra Pradesh in the Forty-ninth Year of the Republic of India, as follows:-

1. (1) This Act may be called the Andhra Pradesh panchayat Raj (Second Amendment) Act 1998. Short title and Commencement.

*[Received the assent of the Governor on the 14-05-1998. For statement of object and reasons please see the Andhra Pradesh Gazette, Part-IV-A, Extraordinary dated 01-04-1998 at Page 4-5.]

(2) It shall be deemed to have come into force on the 20th February, 1998.

Amendment of section 74. Act 13 of 1994.

2. In the Andhra Pradesh Panchayat Raj Act, 1994 (hereinafter referred to as the principal Act), in section 74, to sub-section (3), the following proviso shall be added, namely:-

"Provided that the amounts received as funds under the Jawahar Rozgar Yojana, Employment Assurance Scheme or other Wage Employment Schemes shall be lodged in nearby Nationalised Banks or Co-operative Banks or Post Offices in such manner as may be prescribed".

Amendment of section 171.

3. In section 171 of the principal Act, to sub-section (2), the following proviso shall be added, namely:-

"Provided that the amounts received as funds under the Jawahar Rozgar Yojana, Employment Assurance Scheme or other Wage Employment Schemes shall be lodged in nearby Nationalised Banks or Co-operative Banks or Post Offices in such manner as may be prescribed".

Amendment of section 197.

4. In section 197 of the principal Act, to sub-section (2), the following proviso shall be added, namely:-

"Provided that the amounts received as funds under the Jawahar Rozgar Yojana, Employment Assurance Scheme or other Wage Employment Schemes shall be lodged

in nearby Nationalised Banks or Co-operative Banks or Post Offices in such manner as may be prescribed".

5. The Andhra Pradesh Panchayat Raj (Amendment) Ordinance, 1998 is hereby repealed. Repeal of Ordinance No. 1 of 1998.

G. BHAVANI PRASAD,
Secretary to Government,
Legislative Affairs & Justice,
Law Department.

# ACT No. 33 OF 1998.

*[22nd December, 1998.]

AN ACT FURTHER TO AMEND THE ANDHRA PRADEDSH PANCHAYAT RAJ ACT, 1994.

Be it enacted by the Legislative Assembly of the State of Andhra Pradesh in the Forty-ninth Year of the Republic of India, as follows:-

Short title and commencement.

1. (1) This Act may be called the Andhra Pradesh Panchayat Raj (Second Amendment) Act, 1998.

*[Received the assent of the Governor on the 18-12-1998. For statement of object and reasons please see the Andhra Pradesh Gazette, Part-IV-A, Extraordinary dated 25-07-1998 at Page 4-5.]

(2) It shall come into force on such date, as the Government may by notification, appoint.

Amendment of Act 13 of 1994. 2. In the Andhra Pradesh Panchayat Raj Act, 1994 (hereinafter referred to as the principal Act), for the words "State Election Commission" and "State Election Commissioner", wherever they occur, the words "Andhra Pradesh Election Commission for Local Bodies" and "Andhra Pradesh Election Commissioner for Local Bodies" shall respectively be substituted.

Insertion of new section 271A. 3. In the Principal Act, after section 271, the following section shall be inserted, namely:-

"Penalty for not handing over documents, moneys etc., to the newly elected Sarpanch or Upa-Sarpanch of a Gram Panchayat.

271-A(1) Any person who having been the Sarpanch, Temporary Sarpanch or Upa-Sarpanch of a Gram Panchayat fails to hand-over any documents of, or any moneys or other properties vested in, or belonging to, the Gram Panchayat, which are in, or have come into, his possession or control, to his successor in office or other prescribed authority;-

(i) in every case, within a period of thirty days from the expiry of his term of office as such Sarpanch, Temporary Sarpanch or Upa-Sarpanch; and

(ii) in the case of person, who was the Upa-Sarpanch also within a period of thirty days on demand by the Sarpanch

shall be punishable with imprisonment which may extend upto six months or with fine not exceeding one thousand rupees or with both, for every such offence.

(2) Any person who is convicted under sub-section (1) fails to handover any documents of, or any moneys or other properties vested in, or belonging to the Gram Panchayat, which are in or have come into, his possession, or control to his successor in office, shall be punishable for each day after conviction during which he continues to persist in his offence with a fine not exceeding one hundred rupees.

(3) In cases falling under sub-sections (1) and (2), the court may, apart from ordering conviction for the offence, order the seizure of the documents, moneys or other properties of the Gram Panchayat from the person convicted."

G. BHAVANI PRASAD,
Secretary to Government,
Legislative Affairs & Justice,
Law Department.

# ANDHRA PRADESH ACTS, ORDINANCES AND REGULATIONS Etc.

The following Act of the Andhra Pradesh Legislative Assembly received the assent of the Governor on the 22nd April, 2000 and the said assent is hereby first published on the 24th April, 2000 in the Andhra Pradesh Gazette for general information:-

**ACT No. 7 OF 2000.**

**AN ACT FURTHER TO AMEND THE ANDHRA PRADESH PANCHAYAT RAJ ACT, 1994.**

Be it enacted by the Legislative Assembly of the State of Andhra Pradesh in the Fifty-first Year of the Republic of India, as follows:-

Short title and commencement.

1. (1) This Act may be called the Andhra Pradesh Panchayat Raj (Amendment) Act, 2000.

(2) It shall come into force on such date as the State Government may, by notification in the Andhra Pradesh Gazette, appoint.

Amendment of section 203. Act 13 of 1994.

2. In the Andhra Pradesh Panchayat Raj Act, 1994, in section 203,-

(i) for the words, "shall cease to have effect after the twenty fifth January, 2000", the words, "shall cease to have effect on the expiration of the period specified in article 334 of the Constitution of India", shall be substituted;

(ii) in the marginal heading for the words, "to cease after 25th January, 2000", the words, "to cease on the expiration of the period specified in Article 334." shall be substituted.

Repeal of Ordinance No. 2 of 2000.

3. The Andhra Pradesh Panchayat Raj (Amendment) Ordinance, 2000 is hereby repealed.

G. BHAVANI PRASAD,
Secretary to Government,
Legislative Affairs & Justice,
Law Department.

## STATEMENT OF OBJECTS AND REASONS

Article 334 of Constitution of India providing for reservation of seats to the Scheduled Castes, Scheduled Tribes and Anglo Indian Community in the House of People and in the Legislative Assemblies of the States ceases to have effect from 26th January, 2000 and under article 243 D of the Constitution, the reservation of seats to the Scheduled Castes and Scheduled Tribes in the Panchayat Raj Institutions shall cease to have effect on the expiration of the period specified in article 334. Section 203 of the Andhra Pradesh Panchayat Raj Act, 1994 accordingly provided for such reservations to cease after 25th January, 2000.

However, the Government of India have introduced a Constitution (Amendment) Bill in the Parliament for extending the reservations for a further period of ten years. To bring the reservations for Scheduled Tribes in the Panchayat Raj Institutions in the State, in conformity with the provisions of the Constitution, as amended from time to time, it has been decided to amend section 203 of the Andhra Pradesh Panchayat Raj Act, 1994 to continue the reservations so long as they are provided by article 334 of the Constitution.

This Bill seeks to give effect to the above decision.

A. MADHAVA REDDY,
Minister for Panchayat Raj.

# ANDHRA PRADESH ACTS, ORDINANCES AND REGULATIONS Etc.

The following Act of the Andhra Pradesh Legislative Assembly received the assent of the Governor on the 22nd April, 2000 and the said assent is hereby first published on the 24th April, 2000 in the Andhra Pradesh Gazette for general information:-

**ACT No. 8 OF 2000**

**An Act further to Amend the Andhra Pradesh Panchayat Raj Act, 1994.**

Be it enacted by the Legislative Assembly of the State of Andhra Pradesh in the Fifty-first Year of the Republic of India as follows:-

Short title and Commencement.

1. (1) This Act may be called the Andhra Pradesh Panchayat Raj (Second Amendment) Act, 2000.

(2) It shall be deemed to have come into force on the 28th April, 1998.

Amendment of section 245.

2. In the Andhra Pradesh Panchayat Raj Act, 1994, in section 245,--

Act 13 of 1994.

(i) in sub-section (2), the words, "not less than" shall be omitted;

(ii) after sub-section (2), the following explanation shall be added namely:-

"Explanation:- For the purposes of this section, in the determination of two-thirds of the total number of members, any fraction below 0.5 shall be ignored and any fraction of 0.5 or above shall be taken as one.".

Repeal of Ordinance No.5 of 2000.

3. The Andhra Pradesh Panchayat Raj (Second Amendment) Ordinance, 2000 is hereby repealed.

G. BHAVANI PRASAD,
Secretary to Government,
Legislative Affaris & Justice,
Law Department.

**STATEMENT OF OBJECTS AND REASONS**

Section 245 of the Andhra Pradesh Panchayat Raj Act, 1994, provides for motion of no confidence in Upa-Sarpanch, President or Vice-President or Chair-Person or the Vice-Chair persons of the Gram Panchayat, Mandal Parishad or Zilla Parishad, as the case may be, and the motion shall be carried with the support of not less than two thirds of the total number of members. According to the explanation to rule 6 of the rules issued thereunder while determining two-thirds of the total number of members, any fraction below 0.5 shall be ignored and any fraction of 0.5 and above shall be taken as one.

The later part of the explanation that any fraction of more than 0.5 should be considered as one, is quite valid as it ensures the minimum statutory requirements of two-thirds majority and the previous part of the explanation that any fraction below 0.5 should be ignored, is considered violative of section 245 (2) of the Act. This is creating legal complications and unnecessary litigations. In order to put the matter beyond any doubt, it has been decided to suitably amend section 245 (2) of the Andhra Pradesh Panchayat Raj Act with retrospective effect from 28-4-98.

As the Legislative Assembly of the State was not then in session and it has been decided to give effect to the above decision immediately, the Andhra Pradesh Panchayat Raj (Second Amendment) Ordinance, 2000 (A.P. Ordinance 5 of 2000) has been promulgated by the Governor on the 5th February, 2000.

This Bill seeks to replace the said Ordinance.

N. CHANDRABABU NAIDU,
Chief Minister.

# ANDHRA PRADESH ACTS, ORDINANCES AND REGULATIONS Etc.

The following Act of the Andhra Pradesh Legislative Assembly received the assent of the Governor on the 19th September, 2000 and the said assent is hereby first published on the 20th September, 2000 in the Andhra Pradesh Gazette for general information:-

ACT No. 26 OF 2000.

AN ACT FURTHER TO AMEND THE ANDHRA PRADESH PANCHAYAT RAJ ACT, 1994.

Be it enacted by the Legislative Assembly of the State of Andhra Pradesh in the Fifty-first Year of the Republic of India as follows:-

1. (1) This Act may be called the Andhra Pradesh Panchayat Raj (Third Amendment) Act, 2000. Short title and Commencement.

(2) It shall be deemed to have come into force with effect on and from the 31st July, 2000.

Amendment of section 2, Act 13 of 1994.

2. In the Andhra Pradesh Panchayat Raj Act, 1994 (hereinafter referred to as the Principal Act), in section 2, for clause (34), the following shall be substituted, namely,-

"(34) "qualifying date", in relation to the preparation and publication of every electoral roll under this Act, means the first day of January of the year in which it is so prepared and published.".

Amendment of section 11.

3. In section 11 of the principal Act,-

(i) In sub-section(1),-

(a) the words "draft of the" in the two places where they occur shall be omitted;

(b) for the words "upon its final publication" the words "upon its publication", shall be substituted;

(c) in sub-section(1), before the Explanation, the following proviso shall be inserted, namely:-

"Provided that any amendment, transposition or deletion of any entries in the electoral roll, or any inclusion of

names in the electoral roll of the Assembly Constituencies concerned, made by the electoral Registration Officer under section 22 or section 23, as the case may be, of the Representation of the People Act, 1950, up to the date of election notification, for any election held under this Act, shall be carried out in the electoral roll of the Gram Panchayat and any such names included shall be added to the part relating to the last Ward.". Central Act 43 of 1950.

(ii) for sub-section(2), the following shall be substituted, namely,-

"(2) The electoral roll for a Gram Panchayat,-

(a) shall be prepared and published in the prescribed manner by reference to the qualifying date,-

(i) before each ordinary election; and

(ii) before each casual election to fill a casual vacancy in the Office of the Sarpanch and Member of a Gram Panchayat; and

(b) shall be prepared and published in any year, in the prescribed manner, by reference to the qualifying date, if so directed by the State Election Commission:

Provided that if the electoral roll is not prepared and published as aforesaid, the validity, or continued operation of the said electoral roll, shall not thereby be affected.".

(iii) in sub-section(3), for the words, "The final electoral roll", the words "The electoral roll", shall be substituted.

Insertion of new sections 19A and 19 B.

Disqualification on ground of corrupt practice or election offences.

4. After section 19 of the Principal Act, the following sections shall be inserted, namely,-

Central Act 45 of 1860.

"19A-Any person who is convicted of any offence punishable under Chapter IX A of the Indian Penal Code, 1860, and any person against whom a finding of having indulged in any corrupt practice is recorded in the verdict in an election petition filed in accordance with section 233, or any person convicted of an offence punishable under Chapter II of Part V of this Act, shall be disqualified for contesting in any election held under this Act, for a period of six years from the date of such conviction or verdict, as the case may be.

Disqualification for failure to lodge account of election expenses.

19 B - If the State Election Commission is satisfied that a person,-

(a) has failed to lodge an account of election expenses within the time and in the manner required by or under this Act, and

(b) has no good reason or justification for the failure, the State Election Commission shall, after following the procedure prescribed, by order published in the Andhra Pradesh Gazette, declare him,-

(i) to be ineligible for a period of three years from the date of the said order to contest any election held for any office under this Act; and

(ii) to have ceased to hold office; in case he is elected.".

5. After section 201 of the principal Act, the following section shall be inserted namely,- Insertion of new Section 201 A.

Voting Machines at elections.

"201-A Notwithstanding anything contained in this Act or the rules made thereunder, the giving and recording of votes by voting machines in such manner as may be prescribed, may be adopted in such Ward or Wards or Constituency or Constituencies as the State Election Commission may, having regard to the circumstances of each case, specify.

Explanation: For the purpose of this section, "Voting Machines,' means any machine or apparatus whether operated electronically or otherwise used for giving or recording of votes and any reference to a ballot box or ballot paper in this Act or the rules made there under shall, save as otherwise provided, be construed as including a reference to such voting machine wherever such voting machine is used at any election.".

6. In section 211 of the principal Act, after sub-section(6), the following shall be added, namey,- Amendment of Section 211.

"(6A)-The incurring or authorising of expenses in contravention of section 230A.".

Insertion of New Chapter IIA in Part-V for section 230.

7. For section 230 of the principal Act, the following shall be substituted namey:-

"CHAPTER II-A-Election Expenses

Application of Chapter.

230. This Chapter shall apply to candidates of any election held under this Act.

Account of election expenses.

230A(1) Every candidate, at any election held under this Act shall, either by himself, or by his election agent, keep a separate and correct account of all expenditure incurred in connection with the election, between the date on which the candidate concerned has been nominated, and the date of declaration of the result of the election both dates inclusive (hereinafter in this Chapter referred to as 'election expenses').

<u>Explanation</u>-I-'Election expenses' for purposes of this Act shall mean all expenses in connection with the election,

(a) incurred, or authorised by the contesting candidate, or by his election agent;

(b) incurred by any association, or body of persons, or by any individual (other than the candidate or his election agent), aimed at promoting or procuring the election of the candidate concerned; and

(c) incurred by any political party, by which the candidate is set up, so as to promote or procure his election:

Provided that any expenses incurred by any political party as part of its

general propaganda, (which is distinguishable from its election campaign, for the promotion or procuring the election of a particular candidate), by words, either written or spoken, or by signs or visible representations, or by audio-visual devises, or through print or electronic media or otherwise, shall not constitute 'election expenses' for purposes of this Act.

Explanation II -(1) For the removal of doubts, it is hereby declared that any expenses incurred in respect of any arrangements made, facilities provided or any other Act or thing done by any person in the service of the Government and belonging to any of the classes mentioned in clause(7) of section 211 in the discharge or purported discharge of his official duty as mentioned in the proviso to that clause shall not be deemed to be expenses in connection with the election incurred or authorised by a candidate or by his election agent for the purposes of this sub-section.

(2) The account of election expenses shall contain such particulars, as may, by order, be specified by the State Election Commission.

(3) The total of the said expenses shall not exceed such amount, as may, by order, be specified by the State Election Commission.

**Lodging of account with the District Election Authority.**

230B: Every contesting candidate at an election shall, within forty five days from the date of declaration of the result of the election, lodge

with the District Election Authority, an account of his election expenses, which shall be a true copy of the account kept by him, or by his election agent, under section 230A.".

Repeal of Ordinance 9 of 2000.

8. The Andhra Pradesh Panchayat Raj (Third Amendment) Ordinance, 2000 is hereby repealed.

G. BHAVANI PRASAD,
Secretary to Government,
Legislative Affairs & Justice,
Law Department.

## STATEMENT OF OBJECTS AI ) REASONS

Section 2 of the Andhra Pradesh Panchayat Raj Act, 1994 contemplates two qualifying dates, namely 1st January and 1st July of the year for preparation and publication of the electoral rolls resulting in not only additional work but huge expenditure to the State Exchequer. In order to adopt the Assembly Electoral Roll without any further exercise like draft publication and final publication, it is proposed to amend the qualifying date as first January of the year for the purpose of Panchayat Raj Elections.

A person convicted for an election offence punishable under Chapter II of Part V of the Act shall be disqualified from being elected at any election held under the Act for a period of six years from the date of conviction. It is felt that persons who are convicted of any offence punishable under Chapter IX A of the IPC, persons who are guilty of corrupt practices and those who fail to file the account of election expenses should also be brought within the purview of disqualifications. It is, therefore, proposed that disqualification should be for contesting in the election.

It is also proposed to use Electronic Voting Machines in the Panchayat Raj Elections.

To conduct fair elections to local bodies requires the candidates to keep their expenses within the ceiling limit, maintain proper accounts of expenditure and also to file an account of election expenses. The model code of conduct is non-statutory in nature and is not capable of being enforced. Therefore, it is proposed that provisions similar to those contained in Representation of People Act, 1951 relating to maintenance of account of election expenses and also for the loding of account of election expenses with the District Election Authority should also be included in the Andhra Pradesh Panchayat Raj Act, 1994 in order to enforce the ceiling on election expenditure as otherwise it will not be possible to control money power in Panchayat Raj Elections.

As the Legislative Assembly of the State was not then in session having been prorogued, and it has been felt necessary to give effect to the above decision, immediately, the Andhra Pradesh Panchayat Raj (Third Amendment) Ordinance, 2000 (A.P. Ordinance 9 of 2000) was promulgated by the Governor on the 31st July, 2000.

This Bill seeks to replace the said Ordinance.

**NARA CHANDRABABU NAIDU,**
Chief Minister.

# ANDHRA PRADESH ACTS, ORDINANCES AND REGULATIONS Etc.

The following Act or the Andhra Pradesh Legislative Assembly received the assent of the Governor on the 9th October, 2001 and the said assent is hereby first published on the 10th October, 2001 in the Andhra Pradesh Gazette for general information:-

**ACT No. 37 OF 2001.**

AN ACT FURTHER TO AMEND THE ANDHRA PRADESH PANCHAYAT RAJ ACT, 1994.

Be it enacted by the Legislative Assembly of the State of Andhra Pradesh in the Fifty-second Year of the Republic of India as follows:-

1. (1) This Act may be called the Andhra Pradesh Panchayat Raj (Amendment) Act, 2001. Short title and commencement.

(2) It shall be deemed to have come into force with effect on and from the 23rd August, 2001.

2. In the Andhra Pradesh Panchayat Raj Act, 1994 (hereinafter referred to as the Principal Act), in section 18,- Amendment of Section 18 (Act 13 of 1994).

(1) sub-section (4) shall be omitted;

(2) in sub-section (5) for the expression "sub-sections (1), (2) and (4)", the expression "sub-sections (1) and (2)", shall be substituted.

3. In section 20 of the principal Act, after clause (a), the following shall be inserted namely:- Amendment of Section 20.

"(aa) is elected as a member to a Ward/Office reserved for Scheduled Castes or Scheduled Tribes or Backward Classes on the basis of a community certificate and subsequently the said community certificate is cancelled under section 5 of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of issue of Community Certificate Act, 1993."

Act 16 of 1993.

Amendment of Section 74.

4. In section 74 of the Principal Act, in sub-section (2),

(i) clause (iv) shall be omitted; and

(ii) the existing clauses (v) to (xxiv) shall be renumbered as clauses (iv) to (xxiii).

Insertion of new section 138-A.

5. After section 138 of the Principal Act, the following section shall be inserted, namely:-

"Notice of action against Grampancha-yat.

138-A (1) Subject to the provisions of section 138, no suit or other legal proceeding shall be brought against any Gram Panchayat or the Sarpanch or the Executive Authority or any member, officer or servant of such Gram Panchayat or against any person acting under the direction of such Gram Panchayat, Sarpanch, executive authority, member, officer or servant, in respect of any act done or purporting to be done under this Act or in respect of any alleged neglect or default in the execution of the provisions of this Act or any rule, bye-law, regulation or order made under it, until the expiration of two months next after notice in

writing stating the cuase of action, the nature of the relief sought, the amount of compensation claimed and the name and place of residence of the intended plaintiff, has been left at the office of the Gram Panchayat and if the proceeding is intended to be brought against any such Sarpanch, executive authority, member, officer, servant or person, also delivered to him or left at his place of residence, and unless such notice is given, the Court shall not entertain such suit or legal proceeding.

(2) Every such proceeding shall, unless it is a proceeding for the recovery of immovable property or for a declaration of title thereto, be commenced within six months after the date on which the cause of action arose or in case of a continuing injury or damage, during such continuance or within six months after the ceasing thereof.

(3) If any Gram Panchayat or person to whom notice is given under sub-section (1) tenders amends to the plaintiff before the proceeding is commenced and if the plaintiff does not in such proceeding recover more than the amount so tendered, he shall not recover any costs incurred by him after such tender, and the plaintiff shall also pay all cost incurred by the defendant after such tender.".

6. In section 198 of the principal Act, in sub-section (1). Amendment of section 198.

(i) for clause (iii), the following shall be substituted, namely:- "such share of the State taxes or fees as may be prescribed;",

(ii) clause (vi) shall be omitted; and

(iii) the existing clauses (vii), (viii) and (ix) shall be re-numbered as clauses (vi), (vii) and (viii) respectively.

Substitution of words of "Chairman and Vice-Chairman".

7. In the principal Act.

(i) for the word, "Chairman" wherever it occurs, the word, "Chair-person" shall be substituted.

(ii) for the word, "Vice-Chairman" wherever it occurs, the word, "Vice-Chairperson" shall be substituted.

Repeal of Ordinance of 2001.

8. The Andhra Pradesh Panchayat Raj (Amendment) Ordinance, 2001 is hereby repealed.

**K.G. SHANKAR,**
Secretary to Government,
Legislative Affairs and
Justice (FAC),
Law Department.

## STATEMENT OF OBJECTS AND REASONS

The present provision in the Andhra Pradesh Panchayat Raj Act, 1994 do not provide for disqualifying the person elected to the office, on the basis of a false community certificate and the individual will continue in office even after the cancellation of the Caste Certificate after due enquiry. This position deprives genuine persons belonging to the reserved categories of their right to be elected to the reserved seat/office. There is, therefore, an imperative need to remedy the situation by incorporating a provision in the A.P. Panchayat Raj Act, 1994 providing for automatic cessation of such persons on the cancellation of the false community certificate.

The receipts of the land cess levied under the provisions of A.P. (Andhra Area) District Boards Act, 1920 and A.P. (Telangana Area) District Boards Act, 1955 should be credited to the Gram Panchayat. Government after consideration decided to drop the collection of land cess. Therefore, the provisions contained in Section 74 and 198 of the A.P. Panchayat Raj Act, 1994 has to be amended suitably.

As no provision regarding the issue of notice before institution of any suit or other legal proceeding to the Gram Panchayat in respect of any act done or purporting to be done under the provisions of the Andhra Pradesh Panchayat Raj Act, 1994 or in respect of any alleged neglect or default in the execution of the

provisions of the Act or any rule, by law, regulation or order made under the provisions of the Act is available in the Andhra Pradesh Panchayat Raj Act, 1994, courts are granting injuction orders directly against the actions of the gram panchayats. In order to overcome the above situation, the Government have decided to amend the said Act by way of incorporating a provision analogous to section 144 of the repealed Andhra Pradesh Gram Panchayat Act, 1964.

Rules for the conduct of election of members of Standing Committees of Zilla Parishads were issued in G.O.Ms.No.238, PR & RD (Mandal - III) Department, dated 20-04-1995. The Committee on Subordinate Legislation in its third report for the year 1996-97 have considered this G.O. and observed among other things that 'the word "Chairman should be replaced by "Chairperson" wherever it occurs in the G.O. keeping in view the 33% reservations for women ". The recommendations of the Committee on Subordinate Legislation has been examined and it is observed that the word "Chairman" has been used in the Principal Act and it is decided that the words "Chairman" and "Vice-Chairman" wherever they occur in the A.P. Panchayat Raj Act, 1994 should be changed as "Chairperson" "Vice-Chairperson" in order to have gender sensitivity and to amend the Act accordingly.

As the Legislative Assembly of the State was not then in session having been prorogued, and it has been considered necessary to give effect to the above

decision immediately, the Andhra Pradesh Panchayat Raj (Amendment) Ordinance, 2001 (A.P. Ordinance 5 of 2001) was promulgated by the Governor on the 20th August, 2001.

This Bill seeks to replace the said Ordinance.

**P. SRINIVASA REDDY,**
Minister for Panchayat
Raj & Rural Development.

# ANDHRA PRADESH ACTS. ORDINANCES AND REGULATIONS Etc.

The following Act of the Andhra Pradesh Legislative Assembly received the assent of the Governor on the 19th August, 2002 and the said assent is hereby first published on the 21st August, 2002 in the Andhra Pradesh Gazette for general information.

Act No. 22 of 2002.

## AN ACT FURTHER TO AMEND THE ANDHRA PRADESH PANCHAYAT RAJ ACT, 1994.

Be it enacted by the Legislative Assembly of the State of Andhra Pradesh in the Fifty-third Year of the Republic of India as follows:-

Short title and commencement.

1. (1) This Act may be called the Andhra Pradesh Panchayat Raj (Amendment) Act, 2002.

(2) It shall be deemed to have come into forrce with effect on and from the 20th June, 2002.

Amendment of section 2 Act 13 of 1994.

2. In the Andhra Pradesh Panchayat Raj Act, 1994. (hereinafter referred to as the principal Act), in section 2,-

(1) for clause (12), the following clause shall be substituted, namely:-

"(12) 'Executive Authority' means the Panchayat Secretary appointed to each Gram Panchayat,",

(2) clause (13) shall be omitted;

(3) after clause (28), the following new clause shall be inserted, namely:-

"(28-A)" 'Panchayat Secretary' means the "Panchayat Secretary" appointed under section 30;

**Amendment of section 3.**

3. In the principal Act, in section 3,-

(1) in sub-section (1),-

(i) for the word "Commissioner", the word "Government" shall be substituted;

(ii) the words "by the Government" shall be omitted;

(2) in sub-section (2),-

(a) in the opening paragraph, for the word "Commissioner", the word "Government", shall be substituted;

(b) to clause (a), the following proviso shall be added. namely:-

"Provided that the Government shall take into consideration the financial viability of the Gram Panchayat, to be newly created before bifurcation of the said Gram Panchayat, for the purpose of providing a Panchayat Secretary.";

(3) in sub-section (3), for the word "Commissioner", the word "Government", shall be substituted.

Amendment of section 6.

4. In the principle Act, in section 6, for sub section (5), the following shall be substituted, namely:-

"(5) Every meeting of the Gramasabha within 10 days from the date prescribed under sub-section (3) shall be convened and presided over by the Sarpanch or in his absence by the Upa Sarpanch of the Gram Panchayat."

Amendment of section 7.

5. In the principle Act, in section 7, after sub-section (2), the following sub-section shall be added, namely,-

"(3) One representative from each category of Self Help Group/Functional Group to be elected in a meeting of the Self Help Group/Functional Group, which shall be presided over by the Sarpanch for co-option in the manner prescribed.They shall have the right to speak in and otherwise to take part in Proceeding of any meeting but they shall not be entitled to vote at any such meeting."

6. In the principal Act in section 19, in sub-section (2), in Clause (b), the words "or suffering from Leprosy" shall be omitted. Amendment of section 19.

7. In the principal Act, after section 20, the following sections shall be added, namely:- Insertion of new sections 20A and 20B.

Disqualification of Sarpanch or Upa-Sarpanch for failure to convene the meetings of Gram Sabha.

20 A. (1) Subject to the provisions of section 22, a Sarpanch or as the case may be, a Upa Sarpanch shall cease to hold office as such, if he fails to convene the meetings of the Gram Sabha as required under sub-section (5) of section 6 and further even on or before a date specified in a show cause notice issued on him after the expiry of ten days, requiring him to convene the meetings of the Gram Sabha and cease to exercise the powers and perform the functions of the Sarpanch or Upa-Sarpanch as the case may be unless such cessation has otherwise occurred before that date and for a period of one year from such date, he shall not be eligible to be elected as Sarpanch or Upa-Sarpanch as the case maybe.

(2) Every such cessation as is referred to in sub-section (1) shall be intimated by the Divisional Panchayat Officer in writing to the Sarpanch or the Upa-Sarpanch as the case may be.

Disqualification of Sarpanch of Upa-Sarpanch for failure to close audit of the accounts.

20B. A Sarpanch or as the case may be, a Upa Sarpanch shall cease to hold office as such, if he fails to get the accounts of the Gram Panchayat audited within the period as required under the proviso to sub-section (3) of section 266.".

8. In the Principal Act, in section 22, in sub-section (1), for the words "District Munsiff", the words "District Court" shall be substituted. Amendment of section 22.

9. In the principal Act, after section 22, so amended, the following new section shall be inserted, namely:- Insertion of new section 22-A

"Bar of jurisdiction.

22–A. No order passed or proceedings taken under the provisions of this Act, shall be called in question in any Court, in any suit, or application; and no injunction shall be granted by any Court except District Court in respect of any action taken or about to be taken in pursuance of any power conferred by or under this Act.".

Amendment of section 31.

10. In the principal Act, in section 31.-(1) for the sub-section (1) together with the proviso thereunder, the following shall be substituted, namely:-

"(1) The Panchayat Secretary, with the approval of, or on the direction of the Sarpanch, convene the meetings of the Gram Panchayat so that atleast one meeting of the Gram Panchayat is held every month and if he fails to discharge that duty, with the result that no meeting of the Gram Panchayat is held within a period of ninety days from the last meeting he shall be liable to disciplinary action under the relevant rules:

Provided that where the Sarpanch fails to give his approval for convening the meeting so as to hold a meeting within the period of ninety days aforesaid, the Panchayat Secretary shall himself convene the meeting in the manner pricribed.".

Amendment of section 266.

11. In the Principal Act, in section 266, after sub section (2), the following sub-section shall be added, namely:-

"(3) Notwith standing anything contained in sub-section (1), every local body shall engage Chartered Accountants from out of the panels of Chartered Accountants made by the Director of State Audit to get audited of the accounts maintained under sub-section (1) and for speedy finalisation of their accounts:

Provided that every Sarpanch of a Gram Panchayat shall have to close the accounts of the Gram Panchayat and get them audited before the end of third quarter of the succeeding financial year."

12. Through out the principal Act, for the words "executive officer", the words "Executive Authority" and for the words "Village Development Officer", the words "Executive Authority" shall be substituted.

Substitution of the words "Executive Authority" for the words "Executive officer and Village Development Officer."

13. The Andhra Pradesh Panchayat Raj Repeal of Amendment) Ordinance, 2002 is hereby Apealed.

Repeal of Ordinance 5 of 2002.

K.G. SHANKAR,
*Secretary to Government,*
*Legislative Affairs & Justice(FAC),*
*Law Department.*

## STATEMENT OF OBJECTS AND REASONS

In order to streamline the village administration in the State Government have decided to amend the Andhra Pradesh Panchayat Raj Act. 1994.

2. The salient features of the proposed amendments to the Andhra Pradesh Panchaya Raj Act, 1994 are,-

(i) Due to redesignation of the pos of executive officer as Panchayat Secretary it is necessary to amend Clause (12) of section 2 of the Act suitably and consequential amendments are necessary in this regard.

(ii) The power to declare villages vest with the Government instead of Commissioner and the Government will take into consideration the financial viability of Gram Panchayats before bifurcation for the purpose of providing a Panchayat Secretary.

(iii) Every meeting of the Gramasabha shall be presided by the Sarpanch or in his absence by Upa-Sarpanch (vide section 6(5)).

(iv) Co-opting the convenors of self help groups/financial groups as members f the Gram Panchayat by amending section 7 ;

(v) If the Sarpanch of Upa-Sarpanch fails to convene the meetings of Gram Sabha, they shall be disqualified to hold the office as such. The Divisional Panchayat Officer will inform the Sarpanch or the Upa-Sarpanch in this regard.

(vi) If the Sarpanch or the Upa-Sarpanch fails to get the accounts of the Gram Panchayat audited within the stipulated time, they shall be disqualified to the post they are holding ;

(vii) The question of disqualification of the member shall be decidedby the District Judge having the jurisdiction:

(viii) Barring the Jurisdiction of the Courts except the District Court in respect of any action taken or about to be taken in respect of any powers conferred conferred under this Act.

(ix) If the Panchayat Secretary fails to a person suffering from leprosy so as to enable him to contest elections by amending section 19.

(x) If the Panchayat Secretary fails to conduct the meeting within the stipulated time he is liable for disciplinary action.

(xi) Every local body shall engage the Chartered Accountant.

(xii) Every Sarpanch of the Gram Panchayat close the accounts of the Gram Panchayat and get them audited beore the end of the third quarter o the succeeding financial year.

To achieve the object in view, it has been decided to amend the said Act suitably. As the Legislative Assembly of the State of Andhra Pradesh was not then in session having immediately, the Andhra Pradesh Panchayat Raj (Amendment) Ordinance, 2002 (APO 5 of 2002) was promulgated by the Governor on the 20th June, 2002.

This Bill seeks to replace the said Ordinance.

**P. SRINIVAS REDDY,**
*Minister for Panchayat Raj and*
*Rural Development.*